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# **Federal Regulatory Plan 1994**







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# Message from the President of the Treasury Board

## Federal Regulatory Plan 1994



*[Faint signature]*

**Treasury Board Secretariat**  
Administrative Policy Branch  
Regulatory Affairs



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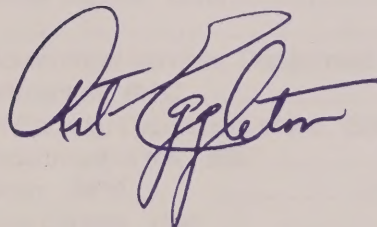
## Message from the President of the Treasury Board

It is important for Canadians that Canada be a land with a dynamic economy built on jobs, investment and innovation, and that it be seen that way by the rest of the world. A smart regulatory climate helps to make this possible while helping us achieve the health, safety and environmental protection that Canadians count on. My goal is for Canada to be known world wide as having an open and effective regulatory regime recognized for its cost-effectiveness.

Much work has been done to improve our regulatory systems at the federal, provincial and local levels. But much remains to be done. As minister responsible for regulatory affairs, I am promoting solutions that will lessen the regulatory burden on the entire economy. Powerful alternatives to regulation are now recognized as workable in many cases. They include using consensus standards, environmental audits and economic instruments. They will allow us to achieve more at less cost than the traditional command-and-control regulation. Key, too, are partnerships with other governments and the private sector.

We are just now starting to see results of the reviews of regulation that departments undertook in the past year. The *Federal Regulatory Plan 1994* reflects some of these changes as well as other innovations that come from an all-party parliamentary report on regulations and competitiveness.

I hope that the *Plan* helps you, and that together we can work to find regulatory solutions that make sense for Canada.

A handwritten signature in dark ink, appearing to read 'Art Eggleton', with a stylized, flowing script.

Arthur C. Eggleton





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# Meeting the Challenge of Regulatory Reform

**The Regulatory Reviews:** In mid-1992, both Parliament and the government started in-depth reviews of regulation. Parliament reported in January 1993 and the government replied in April. Government departments and agencies concluded the first phase of the review in June 1993.

These reviews established that most federal regulatory programs will have to be modified in the near future because:

- technological growth has outpaced the ability of many programs to keep up;
- the globalization of the economy restricts what regulators can accomplish without imposing excessive costs; and
- declining federal resources are going to force us to identify more cost effective and flexible ways of managing our regulatory programs. Without such changes, there will be a growing gap between what regulations promise and what can actually be delivered.

If you want to learn more about the regulatory reform, the Parliament's report and the Government's reply, read the appropriate section.

**The Regulatory Policy:** A six-point Regulatory policy has been developed to deal with the three issues outlined above and at the same time maintain the government's commitment to

protecting health, safety, and the environment. For their regulatory programs, departments and agencies must demonstrate that:

1. government intervention is justified, and regulation is the best alternative;
2. they have consulted Canadians;
3. the benefits outweigh the costs to Canadian governments, businesses, and individuals;
4. the regulatory activity impedes Canada's competitiveness as little as possible;
5. they have minimized regulatory burden through cooperation with other governments; and
6. systems are in place and resources are sufficient to manage regulatory programs effectively.

Lightening the burden of regulation on Canada's economy is integral to the policy. To help with this, the Business Impact Test (BIT) has been developed by business working with the Canadian Manufacturers' Association, Treasury Board and the Department of Industry.

The BIT is a consultation tool that can help departments and agencies understand and assess how regulations will impact on business, by obtaining comment directly from business. Upon release, BIT will be available from the Canadian Manufacturers' Association.



# The 1994 *Plan*

**Fee for the *Plan*:** The 1994 *Plan* is being distributed on a partial cost recovery basis. This is in line with the government's User Fee policy, the intent of which is to recover a fair share of the cost of providing goods and services from those who use them or directly benefit from them. In addition, the *Plan* can be consulted at major libraries across the country through Depository Services and through the *Info Source* database.

**Using the *Plan*:** The *Plan* is designed to give interested Canadians the opportunity to make their views known before the government makes decisions. It presents all regulatory initiatives that the government expects to bring forward in 1994. Included are both new regulations and amendments to existing ones.

For each entry, there is the name, address, and phone number of a person to contact. We encourage you to communicate with the appropriate contact person to talk about the regulatory proposal.

We have changed how the information in the *Plan* is presented so that it reflects the government's restructuring announcements June 25, 1993 and November 4, 1993. All affected departments and agencies are listed in the Table of Contents and have sections in the *Plan*.

**New in 1994:** If you are a regular user of the *Plan*, you will notice these changes:

- added cost-benefit information for many entries;
- a section outlining some of the future initiatives (i.e. post-1994) planned by departments and agencies; and
- more information on the impact of the proposed regulations or amendments.

"Impact" information is included in every entry. In early 1993, Parliament asked the government to

"provide a preliminary classification of the scale of the planned regulations in terms of their estimated costs to society."

This year, entries in the *Plan* are labelled as either,

- low cost,
- major, or
- intermediate cost.

What does this mean?

An initiative is classified as low cost if costs are truly negligible. Even initiatives with millions of dollars in benefits are classified as "low cost" if there are no associated costs (for example, items lessening paper burden). "Low cost" does not mean that the initiative is unimportant.

Proposed initiatives are deemed major if the present value of their cost (not including benefits) is \$50M or greater (corresponding roughly to \$5M per year on an ongoing basis), even if costs are a small fraction of revenues for the industries affected. Annex A lists all major initiatives for 1994.

All other initiatives are classified as intermediate cost regulations. Exceptions are those proposals that would impose costs less than \$50M, but that are controversial or have special policy significance; these are thus classified as major.

We continue working to make the annual regulatory *Plan* more user friendly. Comments about this and future plans are really welcome. Please contact:

Regulatory Affairs  
Treasury Board Secretariat  
L'Esplanade Laurier, East Tower  
140 O'Connor Street, 11th Floor  
Ottawa, Ontario  
K1A 0R5

Tel: (613) 952-3459  
Fax: (613) 957-7875

# Status of Regulatory Reform

In February 1992, a government-wide regulatory review was launched to determine which regulations remain justified. The biggest-ever review of federal regulation, its objective is to reduce the regulatory burden on Canadian business and individuals.

First off the mark were the two largest federal regulatory departments: Agriculture and Transport. Agriculture announced its findings a year ago, while Transport and 20 other departments began announcing key results in June.

Government-wide, some 1700 recommendations were made for action on regulatory requirements. Many changes will promote the better regulatory climate for business being sought by this government. Of the 1700 proposed actions, about 1 in 4 is to revoke various regulatory requirements, about the same number to revise and the rest to retain.

There are hundreds of changes being worked on. The following are just three examples:

- new approaches to the regulation of hazardous products are being developed to ensure health and safety, while giving business incentive to innovate;
- Agriculture will eliminate any duplication of regulations at the federal and provincial/territorial levels; and
- tax regulations are being changed to lessen restrictions on Canadian businesses.

The government is committed to completing the reviews and to implementing review results where they make sense. As well, it will ensure that further reviews are undertaken where appropriate.

By working with departments to ensure review recommendations are implemented, users can expect to see significantly simpler and more cooperative and responsive regulatory programs



## "Regulations and Competitiveness", Report of the Standing Committee on Finance

The February 1992 Budget announced the government would ask the Standing Committee on Finance to investigate the relationship between regulation and competitiveness of the Canadian economy. Early in 1993, the Committee reached a consensus, making recommendations for:

- strengthening the overall regulatory process through better impact analyses, adding information on costs in the *Federal Regulatory Plan*, and clearer guidelines on consultation;
- strengthening management of regulatory programs in departments by applying the total quality management principles;
- tabling annually an analysis by the government of the economic impact of proposals in the annual

*Plan*, rather than introducing a regulatory budget as suggested by the *Prosperity Action Plan*;

- increasing parliamentary participation through greater Standing Committee involvement in reviewing regulatory proposals and the regulatory powers section of legislation, and through greater powers for Parliament to disallow regulations;
- increasing the use of consensus standards by regulatory programs, particularly international standards whose development should be strongly supported by the government. Where quality management systems are in place, regulatory scrutiny by government agents should be lessened; and
- reducing overlap and duplication in regulatory programs within the federal government and with provinces and territories.

## "Responsive Regulation in Canada"

The reply to the Standing Committee on Finance outlined a more flexible and cost-effective approach to regulation including:

- greater use of standards;
- use of new forms of regulation such as economic incentives;
- collaborating with other governments in Canada and abroad;
- greater involvement of stakeholders, moving to a partnership model when possible;
- better analysis of impacts of regulation on Canadians, including effects on business competitiveness; and
- ensuring "user friendly" laws and regulations.

In the future, regulated firms would have a more predictable regulatory environment, with the government:

- framing regulations to encourage compliance;
- managing enforcement, recognizing that most want to comply with regulatory requirements, but punishing non-compliance swiftly; and
- building in "graduated deterrence", a full range of easy-to-use enforcement options, and the total quality management principles.

Departments and agencies would plan and analyse better, with the annual *Federal Regulatory Plan* being changed to:

- provide information on alternatives;
- categorize regulations into low cost, intermediate cost or major;
- mandatory notice in the annual *Plan* of all major regulations.

To deal with regulatory overlap and duplication, more effective ways to work with the provinces and territories are to be explored:

- modifying existing statutes to allow federal ministers to enter into cooperative agreements;
- ensuring that federal regulators take the programs of other governments into account when designing or reviewing their own regulatory programs;
- boosting mutual recognition of regulations as a way to eliminate internal trade barriers; and
- sharing the experiences of federal regulators.

The reply addressed the health, safety and environmental goals of Canadians that this approach would lead to. A more responsive regulatory regime would result in faster development of better regulatory solutions. This would lead to improved protection for Canadians. For example, it would be easier to introduce better health care technologies, safer consumer products, less toxic pesticides, and more environmentally friendly automobiles, than it is presently.





# Agriculture and Agri-Food, Department of

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## **General Information**

### **Roles and Responsibilities**

The Department of Agriculture and Agri-Food is responsible for developing and implementing policies and programs conducive to the development of business opportunities in the agri-food sector, while at the same time assuming a dependable supply of safe and nutritious food at reasonable prices to consumers and equitable returns to producers and processors. Programs are established and maintained for the benefit of the agri-food sector as well as for regional and international development. In addition, the department attempts to enhance programs within the overall framework of federal government policies, priorities and commitments in the areas of socio-economic development, emergency situations and international relations.

In fulfilling its role, the department is responsible to three principal clients groups: consumers;

producers; and processors, distributors, wholesalers and retailers.

The objective of the department is to provide a stable economic environment for sound business decisions by Canadian agricultural producers. The safety, quality and marketability of agri-food products are important priorities of the department. Emphasis has also been placed on income stabilization programs and program measures to assist in the financial and credit needs of agricultural operations.

### **Legislative Mandate**

The following Acts are administered by the Department of Agriculture and Agri-Food:

- Advance Payments for Crops Act
- Agricultural Products Cooperative Marketing Act
- Agricultural Products Marketing Act
- Agricultural Stabilization Act
- Animal Pedigree Act
- Appropriation Acts\*
- Canada Agricultural Products Act
- Canada Grain Act
- Canadian Dairy Commission Act
- Canadian Wheat Board Act
- Criminal Code\*
- Department of Agriculture Act
- Experimental Farm Stations Act
- Farm Credit Act
- Farm Debt Review Act
- Farm Improvement and Marketing Cooperatives Loans Act
- Farm Improvement Loans Act
- Farm Income Protection Act
- Farm Products Marketing Agencies Act
- Farm Syndicates Credit Act
- Feeds Act
- Fertilizers Act
- Financial Administration Act\*
- Grain Futures Act
- Hay and Straw Inspection Act
- Health of Animals Act
- Livestock and Livestock Products Act
- Livestock Feed Assistance Act
- Meat Import Act
- Meat Inspection Act
- Pest Control Products Act
- Pesticide Residue Compensation Act
- Plant Breeders' Rights Act
- Plant Protection Act
- Prairie Farm Rehabilitation Act
- Prairie Grain Advancement Payments Act
- Seeds Act

\* Acts which themselves are not administered by the Department of Agriculture but have one or more regulations which are.

## Initiatives for 1994

### AGR-1

#### **Beef and Veal Import Restriction Order**

The Meat Import Act provides authority to regulate the importation into Canada of fresh, chilled, and frozen beef and veal and amends the Export and Import Permits Act. The Minister of Agriculture and Agri-Food, with the concurrence of the Minister of Foreign Affairs, may establish restrictions on the quantity of beef and veal that may be imported into Canada, taking into account the formula and criteria set out in the schedule to the Act. The level of restriction on imported beef and veal must be consistent with Canada's international obligations agreed to under the General Agreement on Tariffs and Trade that is, restrictions cannot be less than the global minimum access commitment that is adjusted annually for population growth. Restrictions can be suspended before or during 1995.

Article 704 of the Canada/U.S. Free Trade Agreement prohibits Canada or the U.S. from imposing quantitative restrictions on each other's meat goods. However, if either Canada or the U.S. imposes restrictions against third countries, and the other does not, restrictions may be imposed on the other party only to the extent and for such time as is sufficient to prevent frustration of the action against third country imports. Implementing orders provide the federal government with stand-by authority to control, if necessary, the amount of fresh, chilled, and frozen beef and veal entering Canada from countries other than the U.S. As a result of the order, the interests of the Canadian beef and cattle producing industry are safeguarded, particularly in the event of a serious threat to the Canadian marketplace brought about by imports. It is necessary to set, by order, an import restriction by December 1994 if the government wishes to use it in 1995.

This Order is sponsored by the Department of Agriculture and Agri-Food.

**Classification:** Low cost

**Status:** This is a recurring initiative.

**Contact:** Mr. B. Hewett, International Trade Policy Directorate, Department of Agriculture and Agri-Food, Room 773, Sir John Carling Building, 930 Carling Avenue, Ottawa, Ontario, K1A 0C5. Tel. (613) 995-7586; Fax (613) 996-7621.

### AGR-2

#### **Canada Grain Regulations – Fees of the Commission**

The fees of the Commission prescribed in Schedule 1 to the regulations will be adjusted in order to realize cost recovery goals on a five-year average. The adjustments will depend on the results achieved during the 1992-93 and 1993-94 fiscal years, forecasts for the 1993-94 fiscal year, and volumes of grain handled during the 1993-94 crop year.

The regulatory review process may yield some adjustments to fees. In addition, human resource adjustments and service delivery changes may also modify the fee structure.

There may be some increased costs to grain producers. Charges will adhere to the Treasury Board directive regarding cost recovery by the Commission.

This was initiated by the Commission and results in part from the regulatory review.

**Classification:** Intermediate cost

**Status:** This is a recurring initiative.

**Contact:** Régis Gosselin, Acting Corporate Secretary, Executive Division, Canadian Grain Commission, 600 – 303 Main Street, Winnipeg, Manitoba, R3C 3G8.

Tel. (204) 983-3081; Fax (204) 983-2751.

### AGR-3

#### **Canadian Grain Regulations – Grades**

Various grades will be amended following extensive consultations and annual review by the Eastern and Western Standards Committees (composed of producers, handlers, and processors) of marketing and production conditions, end-user requirements and competitor developments. For example, eastern oats, defined in Schedule III to the regulations, will have the tolerance for mixed feed oats reduced to reflect the quality actually produced by eastern producers. Other component grades will be considered for Canada. Precise grade changes will be finalized as crop and marketing requirements evolve.

These changes are expected to facilitate the marketing and handling of Canadian grain and thereby improve producers' returns. No additional costs are anticipated at the present time for handlers or for the Canadian Grain Commission. Changes are needed to reflect the demands of buyers and the demands of marketers.

This was initiated by the Commission and by the industry and partly arises out of the Regulatory review.

**Classification:** Intermediate cost



**Status:** This is a recurring initiative.

**Contact:** Régis Gosselin, Acting Corporate Secretary, Executive Division, Canadian Grain Commission, 600 – 303 Main Street, Winnipeg, Manitoba, R3C 3G8.

Tel. (204) 983-3081; Fax (204) 983-2751.

#### AGR-4

##### **Canadian Wheat Board Regulations – Initial Payments**

This regulatory initiative establishes initial payments for the base grade in each of the four pool accounts under the jurisdiction of the Canadian Wheat Board (CWB). The four pool accounts are wheat, amber durum wheat, barley, and designated barley. These initial payments are fixed annually by regulation. Initial payments received by producers upon delivery of wheat and barley to the CWB are guaranteed by the Government of Canada.

Initial payments determine the level of payment received by producers upon the delivery of grain into the primary or terminal elevator. The level of initial payments will have an influence on the income of western Canadian grain producers. These initial payments are fixed in relation to anticipated market returns. They represent guaranteed floor prices for producer deliveries of wheat and barley to the CWB during the crop year. After the pool accounts have been closed, any balances remaining in the individual pool accounts, after deductions for expenses, from revenue received by the CWB from grain sales are subsequently distributed to producers as final payments.

Establishing initial payments annually will more accurately reflect market conditions and returns to grain producers. Since the Government of Canada is required to cover any deficit in a pool account, the risk of a deficit is reduced.

This initiative involves the setting of the dollar amount of the initial payments for the base grades prior to the start of each crop year.

**Classification:** Low cost

**Status:** This is a recurring initiative.

**Contact:** Victor Jarjour, Director, Cereal Grains Division, Grain Marketing Bureau, Grains and Oilseeds Branch, Department of Agriculture and Agri-Food, 930 Carling Avenue, Ottawa, Ontario, K1A 0C5.

Tel. (613) 996-8324; Fax (613) 943-1905.

#### AGR-5

##### **Dairy Products Regulations – Pasteurization Standards**

The Canadian Milk Quality Standards Committee, a joint committee of the Department of Agriculture and

Agri-Food, the Department of Health, the provincial departments of agriculture and the National Dairy Council, working under the auspices of the National Liaison Group on Milk Product Quality, identified a need for comprehensive, uniform, minimum standards for pasteurizers and pasteurization. The Dairy Products Regulations will be amended to include a reference to these new standards.

The intent of this proposal is to prescribe uniform national pasteurization standards for dairy products that are in harmony with provincial standards. The benefits will be regulatory uniformity, which will facilitate compliance and enforcement of health and safety standards. This initiative is supported by the provincial departments of agriculture. No additional costs are foreseen. Information about this proposal will be published in an Agri-Food Information Letter that will be sent to interested parties.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1992 Regulatory Plan as initiative number AGR-4.

**Contact:** Don Crosby, Chief of Legislation, Dairy, Fruit and Vegetable Division, Food Production and Inspection Branch, Department of Agriculture and Agri-Food, 2255 Carling Avenue, Ottawa, Ontario, K1A 0Y9.

Tel. (613) 995-5433; Fax (613) 993-8511.

#### AGR-6

##### **Dairy Products Regulations, Fresh Fruit and Vegetable Regulations, Honey Regulations, Maple Products Regulations, Processed Products Regulations – Trade Mark [Omnibus Amendment]**

Under the Canada Agricultural Products Act, every agricultural product legend and every grade name is a national trademark and the exclusive property in the trademark, and, subject to the Act, the right to use the trademark is vested in Her Majesty in right of Canada. The Act also provides that the Governor in Council may make regulations prescribing terms and conditions governing the application and the right to use grade names such as Canada No. 1 on agricultural products.

The intent of this initiative is to establish, under each of these regulations, uniform terms and conditions under which a person may use such grade names in respect of an agricultural product, including provisions for the licensing of such users. The benefit of this proposal will be to preserve the integrity of the "Canada" grade names as a marketing tool in interprovincial and export trade. These new regulations, initiated by the Department of Agriculture and Agri-Food, will facilitate enforcement of the grade marking provisions and promote the quality image of agricultural products



marked with a "Canada" grade. This is expected to promote the sale of Canadian graded products in both domestic and export markets and enhance the competitiveness of Canadian producers.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Don Crosby, Chief of Legislation, Dairy, Fruit and Vegetable Division, Food Production and Inspection Branch, Department of Agriculture and Agri-Food, 2255 Carling Avenue, Ottawa, Ontario, K1A 0Y9.

Tel. (613) 995-5433; Fax (613) 993-8511.

#### AGR-7

##### **Egg Regulations – Pre-Grade Changes**

An inspector of the Department of Agriculture and Agri-Food, prior to industry grading, may inspect a sample of eggs from a producer lot to ensure that they meet certain pre-grade criteria to be eligible to be subsequently graded Canada A. The criteria are related to tolerances for factors such as cracked eggs, dirt, stains and albumen freshness. It is proposed to delete or modify the current criteria for non health and safety factors such as albumen freshness and air cell depth in eggs.

The 1992 departmental regulatory review also identified three recommendations pertaining to the Egg Regulations that will be addressed either in this amendment or in an omnibus amendment. The recommendations are to reduce the height requirement for letters and numbers on egg cartons, to facilitate the exporting of eggs that meet the requirements of the importing country, and to clarify the requirements related to the interprovincial movement of eggs that are rejects.

The amendment does not impose any extra cost on the egg-grading industry. Benefits, although not large, are positive. The pre-grade program is streamlined. Recommendations from the regulatory review are implemented.

This initiative is proposed by the Department of Agriculture and Agri-Food.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Richard Robinson, Chief, Livestock Identification and Legislation, Meat and Poultry Products Division, Food Production and Inspection Branch, Department of Agriculture and Agri-Food, 2255 Carling Avenue, Ottawa, Ontario, K1A 0Y9.  
Tel. (613) 995-5433; Fax (613) 998-0958.

#### AGR-8

##### **Farm Improvement and Marketing Co-operatives Loans Regulations – Amendments**

The Farm Improvement and Marketing Co-operatives Loans Act (FIMCLA) was enacted in June 1987 and replaced the Farm Improvement Loans Act on February 1, 1988. The FIMCLA is designed to increase the availability of loans for the improvement and development of farms and for the processing distribution or marketing of farm products by co-operative associations. After several years of operation, it has become apparent that certain sections of the regulations will have to be deleted or amended to clarify the Act and regulations and to facilitate implementation.

Some lenders have expressed concern over the ambiguity of certain sections of the legislation and the related regulations and on the maximum interest rate allowable for fixed-rate loans. Other amendments have been suggested by the Standing Joint Committee for the Scrutiny of Regulations and by program managers.

It is anticipated that these amendments will clarify the intent of certain guidelines to be followed by lenders and increase farmer use of the FIMCLA.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number AGR -7.

**Contact:** Ken Trudel, Loan Guarantees Division, Farm Financial Programs Branch, Department of Agriculture and Agri-Food, 2200 Walkley Rd., Ottawa, Ontario, K1A 0C5.

Tel. (613) 957-7078; Fax (613) 996-2430.

#### AGR-9

##### **Farm Income Protection Act Regulations Respecting the Protection for the Income of Milk Producers**

The Farm Income Protection Act (FIPA) provides for the Governor in Council to make regulations prescribing income support for milk producers. Payments to producers are prescribed by Orders in Council and are funded from annual appropriations.

**Classification:** Intermediate cost

**Status:** This is a recurring initiative.

**Contact:** Gilles Lavoie, Director General, Farm Financial Programs Branch, Department of Agriculture and Agri-Food, 2200 Walkley Road, Ottawa, Ontario, K1A 0C5.

Tel. (613) 957-7078; Fax (613) 943-2183.

**AGR-10****Feeds Regulations – Clarification of Definition**

The Feeds Act provides legislative authority to regulate the manufacture, sale and importation into Canada of livestock feeds. With the advent of feed products being produced using various techniques of biotechnology, the regulations will be amended to clarify that feed products derived through biotechnology are regulated under the Act.

The proposed change will benefit industry by responding to concerns regarding the clarity of the regulation of feeds produced through biotechnology. Because of the nature of this change, there will not be an increased requirement for government resources. Furthermore, there will be no increase in the financial or regulatory burden on industry.

This is a government-proposed initiative providing assurance that feedstuffs derived via biotechnology are regulated along with to conventional products.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number AGR-9.

**Contact:** D. Gordon, Technical Services Officer, Plant Products Division, Food Production and Inspection Branch, Department of Agriculture and Agri-Food, K.W. Neatby Building, 960 Carling Avenue, Ottawa, Ontario, K1A 0C6. Tel. (613) 995-7900; Fax (613) 992-5219.

**AGR-11****Feeds Regulations – Housekeeping Revisions**

As a recommendation of the 1992 departmental regulatory review, the section outlining detailed units of measurement for livestock feeds (where and when to use grams, kilograms, tonnes, etc.) will be revoked and replaced with a reference to the equivalent section of the Weights and Measures Regulations. This initiative will make the Feeds Regulations consistent with other departmental legislation concerning agricultural inputs (seeds, fertilizers) with respect to the regulation of units of measurement. Further regulatory review recommendations will result in amendments being made to labelling regulations concerning non-required guarantees, the listing of the physical form of feeds, and the highlighting of specific ingredients.

In addition, routine amendment of Schedules IV (feed ingredients) and V (feed flavourings) are required to keep the schedules updated. The amendments will incorporate additions, deletions and revisions to items found in these schedules.

This is a government-proposed initiative that addresses changing needs and technologies in the feed industry.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Sergio Tolusso, Technical Services Officer, Plant Products Division, Food Production and Inspection Branch, Department of Agriculture and Agri-Food, K.W. Neatby Building, 960 Carling Avenue, Ottawa, Ontario, K1A 0C6. Tel. (613) 995-7900; Fax (613) 992-5219.

**AGR-12****Feeds Regulations – Minor and Editorial Updates**

Additions, modifications or deletions to the Feeds Regulations are required on a routine basis. This amendment will carry out a number of minor and editorial revisions to the Feeds Regulations. The regulations will be amended to provide definition clarifications, editorial amendments, updates to Table 3 of Schedule 1 and updates to Table 4 of Schedule 1. Furthermore, a definition of fish will be included in the amendment package.

These amendments are necessary in order to keep the regulations current. They will benefit industry as they respond to concerns regarding the uniformity of regulations. All of the aforementioned changes will be accomplished by amending the various sections and Schedules to the Feeds Regulations.

Because of the nature of these changes, there will not be an increased requirement for government resources. Furthermore, there will be no increase in the regulatory or financial burden on industry.

This is a government-proposed initiative needed to maintain the relevance, consistency and effectiveness of this legislation.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** D. Gordon, Technical Services Officer, Plant Products Division, Food Production and Inspection Branch, Department of Agriculture and Agri-Food, K.W. Neatby Building, 960 Carling Avenue, Ottawa, Ontario, K1A 0C6. Tel. (613) 995-7900; Fax (613) 992-5219.

**AGR-13****Fertilizers Regulations – Clarification of Definition**

The Fertilizers Act provides legislative authority to regulate the sale and importation into Canada of fertilizers and supplements. Since these products are being produced using various techniques of biotechnology, the regulations will be amended to clarify that fertilizers and supplements derived through biotechnology are regulated under the Act. Because of the nature of this change, there will not be an increased requirement for government resources. Furthermore, there will be no increase in the financial or regulatory burden on industry.



This is a government-proposed initiative that more precisely establishes the regulatory authority over products of biotechnology.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number AGR-11.

**Contact:** D. Gordon, Technical Services Officer, Plant Products Division, Food Production and Inspection Branch, Department of Agriculture and Agri-Food, K.W. Neatby Building, 960 Carling Avenue, Ottawa, Ontario, K1A 0C6. Tel. (613) 995-7900; Fax (613) 992-5219.

#### AGR-14

##### **Fertilizers Regulations – Minor and Editorial Updates**

This proposal makes general housekeeping changes to the Fertilizers Regulations that include various minor and editorial amendments throughout the body of the regulations, correction of translation errors, clarification of intent of regulation, deregulation of requirement for detailed metric units of measurement, and amendments to update Schedule II, Names and Standards of Fertilizers and Supplements.

The proposed changes will benefit all parties referring to the regulations by keeping them current. The amendments will also serve as a means of clarification.

Because of the nature of these changes, there will not be an increased requirement for government resources. Furthermore, there will be no increase in the financial or regulatory burden on industry.

This is a government-proposed initiative needed to keep the legislation clear, consistent and current.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** D. Gordon, Technical Services Officer, Plant Products Division, Food Production and Inspection Branch, Department of Agriculture and Agri-Food, K.W. Neatby Building, 960 Carling Avenue, Ottawa, Ontario, K1A 0C6. Tel. (613) 995-7900; Fax (613) 992-5219.

#### AGR-15

##### **Fertilizers Regulations – Permit Procedure Clarification**

The Fertilizers Act provides legislative authority to regulate the sale and importation into Canada of fertilizers and supplements. As a result of the increased production of these products using various techniques of biotechnology, the regulations will be amended to more clearly define a research permit procedure that will allow for controlled field

testing of fertilizer and supplement products derived through biotechnology prior to registration.

The proposed change will benefit all parties requiring a research permit by providing clarification of the permit process.

Because of the nature of this change, there will not be an increased requirement for government resources. Furthermore, there will be no increase in the financial or regulatory burden on industry.

This is a government-proposed initiative. The government is seeking to standardize field testing of biotechnology-derived inputs such as fertilizers, seeds, feeds and pesticides.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number AGR-12.

**Contact:** D. Gordon, Technical Services Officer, Plant Products Division, Food Production and Inspection Branch, Department of Agriculture and Agri-Food, K.W. Neatby Building, 960 Carling Avenue, Ottawa, Ontario, K1A 0C6. Tel. (613) 995-7900; Fax (613) 992-5219.

#### AGR-16

##### **Fertilizers Regulations – Advisory Committee for Microbial Supplements**

Under legislative authority provided by the Fertilizers Act, registration of all supplements by the Department of Agriculture and Agri-Food is required prior to their manufacture, sale or importation. Registration has traditionally been an internal function of the department, involving a review of product safety and efficacy.

In recent years, registration submissions have become increasingly complex, particularly with respect to the development of microbial supplements via biotechnology. It is expected that the number of submissions for registration will escalate significantly in the near future as well. To ensure efficacy reviews continue to be consistent and comprehensive, this initiative proposes to allow the department to recognize an advisory committee for the purposes of reviewing submissions and making recommendations for registration. The health, safety and environmental components of reviews will remain a departmental function.

By recognizing advisory committees, the department will be able to take greater advantage of expertise available in government, academic and industry organizations. This action will ensure comprehensive and timely reviews of submissions. The government will also save resources by not having to increase its staff in order to support its registration obligations.

This is a government-proposed initiative.



**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** S. Toluoso, Technical Services Officer, Plant Products Division, Food Production and Inspection Branch, Department of Agriculture and Agri-Food, K.W. Neatby Building, 960 Carling Avenue, Ottawa, Ontario, K1A 0C6. Tel. (613) 995-7900; Fax (613) 992-5219.

#### AGR-17

##### **Health of Animals Regulations – Poultry Diseases and Hatchery Regulations**

The current regulations controlling poultry diseases will be amended as recommended by the regulatory review. The current regulations, designed to eradicate pullorum disease and fowl typhoid, will be combined with the hatchery regulations which were transferred from Part III of the Livestock and Livestock Products Act to the Health of Animals Act when the latter Act was proclaimed in 1991.

Since the two sets of regulations were designed to complement each other, the final set of regulations will be shorter and more easily understood. The amendment will not introduce any new requirements and so will not have any major impact on the industry.

The departmental regulatory review is responsible for initiating these amendments.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Dr. David Gregory, Chief, Poultry and Zoonotic Diseases, Animal Health Division, Food Production and Inspection Branch, Department of Agriculture and Agri-Food, Halldon House, 2255 Carling Avenue, Ottawa, Ontario, K1A 0Y9. Tel. (613) 995-5433; Fax (613) 990-6543.

#### AGR-18

##### **Health of Animals Regulations – Administrative**

This amendment implements regulatory review recommendations relating to administrative provisions. The main recommendations were to update the list of reportable diseases to ensure that it reflects our international obligations and that all the diseases are still important; ensure the regulations have adequate powers to allow the use and the control of accredited veterinarians; and control the disposal of carcasses of animals that died of a controlled disease or were required to be destroyed because of such a disease.

The use of accredited veterinarians could reduce the cost of delivering certain program elements since the person receiving the service would be responsible for the fees of the accredited veterinarian. For example, export testing of animals

could be done by private veterinarians where the importing country agrees and where the exporter would pay the inspection and testing fees. In other cases, provincial or other veterinarians could be appointed as inspectors where departmental staff are not available.

These amendments were initiated by the department through the regulatory review.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Dr. Brian Peart, Chief, Regulatory Affairs, Animal Health Division, Food Production and Inspection Branch, Department of Agriculture and Agri-Food, Halldon House, 2255 Carling Avenue, Ottawa, Ontario, K1A 0Y9. Tel. (613) 995-5433; Fax (613) 993-4336.

#### AGR-19

##### **Health of Animals Act – Importation – Animals**

This amendment implements regulatory review recommendations relating to the importation of animals. The main recommendations were to review and, where required, to amend the regulations to control the importation of horses and slaughter animals from the United States; deal with the importation of bees; require permits for the importation of turtle eggs in order to implement import conditions to prevent the entry of salmonellosis; ensure that section 20 of the regulations requires certificates for all animals that might introduce diseases; and recognize all the European countries that are about to become free of foot and mouth disease.

The overall impact of these amendments will be to bring the regulations dealing with the import of animals up to date. The major impact would be to remove some of the regulatory requirements that interfere with trade while still maximizing protection against the introduction of diseases that affect human health or that would have a severe economic impact on the animal industry if a disease were introduced into Canada.

The departmental regulatory review is responsible for initiating these amendments.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Dr. W.J. McElheran, Chief, Import Animals and Quarantine, Animal Health Division, Food Production and Inspection Branch, Department of Agriculture and Agri-Food, Halldon House, 2255 Carling Avenue, Ottawa, Ontario, K1A 0Y9. Tel. (613) 995-5433; Fax (613) 993-4334.

**AGR-20****Health of Animals Regulations – Veterinary Biologics**

This amendment addresses recommendations from the regulatory review. The amendment will strengthen the wording of the regulations that control veterinary biologics that are made by the use of biotechnology. The amendment will also require applications for approval of veterinary biologics to include adequate information to enable the department to protect the environment.

The recommendations that the definition of veterinary biologics be clarified and the requirement that a permit be issued every calendar year are being considered.

The regulations currently require that all advertisements for veterinary biologics be reviewed to ensure the claims made are true and to protect the consumer. The method by which advertising should be reviewed is currently being discussed with the biologics industry through the Canadian Institute of Animal Health. The Institute has asked that the department continue to control advertising. The alternatives under discussion are to continue to use departmental staff and recover the costs or to implement self-regulation via a peer review committee. In either case, an amendment to the regulations will be required.

The departmental regulatory review is responsible for initiating these amendments.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Dr. B.S. Samagh, Associate Director, Veterinary Biologics and Biotechnology Section, Animal Health Division, Food Production and Inspection Branch, Department of Agriculture and Agri-Food, Room 300, Halldon House, 2255 Carling Avenue, Ottawa, Ontario, K1A 0Y9. Tel. (613) 995-5433; Fax (613) 952-8884.

**AGR-21****Health of Animals Act – Prohibition Regulations**

These regulations prohibit the importation of animals or their products into Canada. The animals or products prohibited are those that could introduce an animal disease of serious concern to human health or to the economy of an animal industry.

The Prohibition Regulations are usually an emergency response to a situation such as a disease outbreak in a country that is currently exporting animals or risk items to Canada. The regulation only prohibits the importation of animals or things that could introduce the disease. The regulations are made for a specific period of time and are removed when the disease outbreak is

controlled or long-term import conditions are developed that will allow the importation of the prohibited animals or things while providing an acceptable level of protection from disease.

Prohibition regulations prevent individuals or companies from importing the prohibited goods. However, the regulations are accepted by our international trading partners and industry as an alternative to prohibiting trade on a permanent basis or allowing disease to enter Canada. These orders do not usually affect the Canadian public or the agriculture industry as a whole. Their impact is restricted to exporting companies in other countries and to the importer in Canada.

The department is responsible for initiating these amendments when they are undertaken as an emergency response to a disease outbreak.

**Classification:** Will depend on the circumstances relating to the individual disease outbreak.

**Status:** This is a recurring initiative.

**Contact:** Dr. W.J. McElheran, Chief, Import Animals and Quarantine, Animal Health Division, Food Production and Inspection Branch, Department of Agriculture and Agri-Food, Halldon House, 2255 Carling Avenue, Ottawa, Ontario, K1A 0Y9. Tel. (613) 995-5433; Fax (613) 993-4334.

**AGR-22****Health of Animals Regulations – Disease Control and Eradication Programs**

The regulations will be amended to implement the recommendations of the regulatory review regarding the brucellosis and tuberculosis eradication programs to reduce the level of control required as a result of Canada becoming free of these diseases; to revoke the current herd plans dealing with brucellosis and tuberculosis under the Canadian Health Accredited Herd Regulations; to make the requirements for tuberculosis or brucellosis-free areas uniform; to strengthen the eradication programs for brucellosis and tuberculosis in captive wild ungulates; and to remove the current movement controls on those types of wild ungulates that are now considered to be free of brucellosis and tuberculosis. The regulations will also be amended to remove bison from the definition of a bovine; to require people who buy and sell animals to keep records; to reduce the current requirements to clean and disinfect vehicles, containers, buildings, etc.; and to update the controls on the feeding of garbage to animals.

The amendments will reduce the impact of the regulations on the majority of people who raise and handle livestock in recognition that the Canadian national cattle herd is free of tuberculosis or



brucellosis infection. The specific amendment strengthening eradication programs for captive wild ungulates will have minimal impact on individual owners of ungulates since the disease control measures will not change. The removal of movement controls will reduce the cost of the program to the department and to people who wish to move certain types of wild ungulates since permits will no longer be required. The remaining amendments will update the regulations and provide more flexibility to deal with current problems.

The departmental regulatory review is responsible for initiating these amendments.

**Classification:** Low cost

**Status:** Parts of this initiative appeared in the 1993 Regulatory Plan as initiative number AGR-16.

**Contact:** Dr. Eric Broughton, Chief, Control Programs, Animal Health Division, Halldon House, Department of Agriculture and Agri-Food, 2255 Carling Avenue, Ottawa, Ontario, K1A 0Y9. Tel. (613) 995-5433; Fax (613) 990-6543.

#### AGR-23

##### **Health of Animals Regulations – Foreign Animal Disease**

Regulations will be developed extending authority to the department to eradicate outbreaks of serious animal diseases. The amendments will put into place the new powers given in the Health of Animals Act to control the movement of people, vehicles and animals within zones designated by the Minister. The regulations will also describe the conditions under which the department could decide that vaccination against disease is necessary, as well as whether movement controls will be put on vaccinated animals.

Vaccination of animals for foreign animal diseases will only be done where it is not feasible to eradicate the disease immediately by test and slaughter.

Vaccination could reduce the number of animals required to be slaughtered. However, Canada would lose the trade advantage of being considered free of foot and mouth disease, and Canada's major trading partners would prohibit the importation of susceptible animals and their products until vaccination had stopped. The economic loss caused by decreased exports, if Canada failed to eradicate a disease or had to vaccinate animals against a major economic disease, could be as high as 1.7 billion dollars per year.

This initiative is sponsored by the Department of Agriculture and Agri-Food since it results from discussions with veterinary authorities at an international level.

**Classification:** Low cost

**Status:** Parts of this initiative appeared in the 1993 Regulatory Plan as initiative number AGR-14.

**Contact:** Dr. B. Jamieson, Chief, Foreign Animal Diseases, Animal Health Division, Food Production and Inspection Branch, Department of Agriculture and Agri-Food, Halldon House, 2255 Carling Avenue, Ottawa, Ontario, K1A 0Y9. Tel. (613) 995-5433; Fax (613) 990-6543.

#### AGR-24

##### **Health of Animals Regulations – Import Animal Products and By-Products**

The regulations will be amended to implement the recommendations of the regulatory review to ensure they are in line with current policies including updating the sections governing the importation and domestic control of semen and embryos; ensuring that the regulatory base for the present control program dealing with the importation of animal products and by-products is satisfactory; and an assessment of the current controls on the importation of feed stuffs, including the treatment of feed stuffs imported from countries that are not free from certain diseases.

An amendment has already been made to implement the more urgent recommendations. This will allow the department more flexibility in controlling the importation of animal products and by-products.

The number of animal products and by-products that can be imported and the number of countries from which they can be imported will increase. This increase could result in increased competition for animal products and by-products produced in Canada.

The industry through the departmental regulatory review is responsible for initiating these amendments.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Dr. Gilles Roy, Chief, Import Animal Products and By-Products, Animal Health Division, Food Production and Inspection Branch, Department of Agriculture and Agri-Food, Halldon House, 2255 Carling Avenue, Ottawa, Ontario, K1A 0Y9. Tel. (613) 995-5433; Fax (613) 993-4334.

#### AGR-25

##### **Licensing and Arbitration Regulations – Rewrite**

The current Licensing and Arbitration Regulations were established in 1984 and were updated in 1989 pursuant to the Canada Agricultural Products Act of 1988. These regulations have been undergoing a government/industry review respecting the terms



and conditions under which licences may be issued and the operations of the Board of Arbitration. This proposal is intended to make the changes identified by the regulatory review.

The benefits of these amendments will be a more effective regulation of the produce industry and operation of the Board of Arbitration in dispute settlements. Additional costs are anticipated to administer the revised regulations. Alternate funding arrangements are being investigated. Interested parties have been kept informed about this initiative through the national industry associations – the Canadian Horticultural Council and the Canadian Produce Marketing Association.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1992 Regulatory Plan as initiative number AGR-24.

**Contact:** Don Crosby, Chief of Legislation, Dairy, Fruit and Vegetable Division, Food Production and Inspection Branch, Department of Agriculture and Agri-Food, 2255 Carling Avenue, Ottawa, Ontario, K1A 0Y9.  
Tel. (613) 995-5433; Fax (613) 993-8511.

#### AGR-26

##### **Livestock Carcass Grading Regulations – Hog Carcass Cutout**

The introduction in 1968 of a concept involving carcass weight and fat thickness for the grading of hog carcasses has had a dramatic impact on reducing the overall fat content in Canadian pork carcasses. The premise upon which Canada could introduce such changes was a national hog carcass cutout study conducted in 1967. A second national cutout study was completed in 1978 to provide a more relevant data base for deriving indices within the Livestock Carcass Grading Regulations. It is these indices that continue to provide Canadian hog producers with a means of payment that reflects carcass value.

A third major cutout was undertaken in 1992. Information was collected on carcass yield, carcass quality, and the accuracy of both current and alternative technologies for hog carcass grading. The data is being analyzed and will undoubtedly result in recommendations for regulatory change to the carcass lean yield classes and the table of indices. This will ensure that Canadian hog producers are paid according to the relative carcass merit of their pigs.

The sale of pork provides one in every ten dollars of Canadian farm cash receipts. Hog and pork exports are Canada's second most important agricultural export, after wheat.

This initiative has been recommended by both the Canadian Pork Council and the Canadian Meat Council.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Richard Robinson, Chief, Livestock Identification and Legislation, Meat and Poultry Products Division, Food Production and Inspection Branch, Department of Agriculture and Agri-Food, 2255 Carling Avenue, Ottawa, Ontario, K1A 0Y9.  
Tel. (613) 995-5433; Fax (613) 998-0958.

#### AGR-27

##### **Livestock Carcass Grading Regulations – Bison Standards**

The European Economic Community (EEC) has recently modified the bovine classification scheme, for tariff purposes, to include bison meat. Agricultural levies imposed by the EEC are lower for bovine meat, which is recognized as high quality through a national grading system. The proposed amendment establishes grade standards for bison carcasses and a voluntary bison grading system in Canada to facilitate the domestic and export marketing of bison meat.

Industry expects that graded bison exports could attain 2000 tonnes a year, which would represent a \$10 million reduction in European agricultural tariffs. Most of the savings would benefit the Canadian participants in the industry. Grading would be on a cost recovery basis.

This initiative has been requested by industry.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Richard Robinson, Chief, Livestock Identification and Legislation, Meat and Poultry Products Division, Food Production and Inspection Branch, Department of Agriculture and Agri-Food, 2255 Carling Avenue, Ottawa, Ontario, K1A 0Y9.  
Tel. (613) 995-5433; Fax (613) 998-0958.

#### AGR-28

##### **Livestock Carcass Grading Regulations – Poultry Standards**

The federal government's February 1992 budget called for a full review of federal regulations and the regulatory process. One of the recommendations of the Department of Agriculture and Agri-Food was to revoke the Processed Poultry Regulations, effective January 1, 1994, since the health and safety aspects are addressed by the Meat Inspection Regulations. This recommendation was published in Part II of the *Canada Gazette* on April 21, 1993.

The poultry industry has subsequently requested that the poultry grade standards be maintained on a

voluntary basis and that the Department of Agriculture and Agri-Food have the necessary regulatory authority to collect and verify poultry slaughter statistics. This information is vital to the Canadian supply-managed poultry industry.

The Department of Agriculture and Agri-Food is proposing to incorporate the voluntary grade standards and statistics collection authority into the Livestock Carcass Grading Regulations. The name of this regulation will also likely be changed to the Livestock and Poultry Carcass Grading Regulations. The application of a grade name to a poultry carcass would be an industry responsibility. Approximately 15 per cent of the chicken slaughter is graded whereas a significant higher portion of the Rock Cornish Hen, ducks, young turkey and geese are graded.

This initiative is proposed by the Department of Agriculture and Agri-Food subsequent to recommendations from the 1992 regulatory review. Consultation with industry has been initiated on the new poultry standards.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Richard Robinson, Chief, Livestock Identification and Legislation, Meat and Poultry Products Division, Food Production and Inspection Branch, Department of Agriculture and Agri-Food, 2255 Carling Avenue, Ottawa, Ontario, K1A 0Y9. Tel. (613) 995-5433; Fax (613) 998-0958.

#### AGR-29

##### **Meat Inspection Regulations, 1990 – Harmonization of Standards**

The Food and Drug Regulations, administered by the Department of Health, are being amended to allow for the use of phosphate salts in all prepared meat products for which a minimum meat protein content standard applies. Phosphate salts enhance the organoleptic properties of meat products. They are classed as food additives. The Meat Inspection Regulations, 1990, will be amended to reflect the changes made to the Food and Drug Regulations. Other minor changes of a housekeeping nature may also be necessary.

No substantial impact is anticipated since the requirements will already be in effect under the Food and Drug Regulations.

This initiative is based on a recommendation from industry.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number AGR-17.

**Contact:** Dr. Claude Boissonneault, Chief, Regulations and Procedures, Meat and Poultry

Products Division, Food Production and Inspection Branch, Department of Agriculture and Agri-Food, 2255 Carling Avenue, Ottawa, Ontario, K1A 0Y9. Tel. (613) 995-5433; Fax (613) 998-0958.

#### AGR-30

##### **Meat Inspection Regulations, 1990 – Minimum Age to Slaughter Food Animals**

The Meat Inspection Regulations do not allow for the slaughter of food animals that are less than two weeks of age in registered establishments. The importation of meat products derived from animals younger than two weeks of age is also not permitted. However, a close review of the situation could not establish a health reason or any other valid reason for prohibiting the slaughter of very young animals. The Meat Inspection Regulations will be amended to allow the slaughter of very young animals in registered establishments and, by extension, the importation of meat products derived from such animals.

This initiative will remove a trade barrier.

This initiative is proposed by Department of Agriculture and Agri-Food.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Claude Boissonneault, Chief, Regulations and Procedures, Meat and Poultry Products Division, Food Production and Inspection Branch, Department of Agriculture and Agri-Food, 2255 Carling Avenue, Ottawa, Ontario, K1A 0Y9. Tel. (613) 995-5433; Fax (613) 998-0958.

#### AGR-31

##### **Organic Food Production Regulations**

This regulatory initiative is intended to provide a framework for the implementation of an industry-developed standards and certification program for the production, processing, distribution, labelling and marketing of organically grown agri-food commodities.

Implementation of these regulations will facilitate national and international trade of organic products strengthen the credibility of a small but growing niche market for organic food and provide consumer assurance that a product labelled as "organic" has met established criteria.

The proposed regulations are based on the "beneficiary pays" principle and will primarily benefit the user group that will incur the net cost – the organic industry. The extent of service will depend on the degree of industry participation.

This is an industry-driven initiative.

**Classification:** Intermediate cost



**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number AGR-19.

**Contact:** Dr. I.R. Sutherland, Director, Agri-Food Safety and Strategies Division, Food Inspection Directorate, Food Production and Inspection Branch, Department of Agriculture and Agri-Food, Ottawa, Ontario, K1A 0Y9.  
Tel. (613) 995-5433; Fax (613) 993-8959.

#### AGR-32

##### **Pari-Mutuel Betting Supervision Regulations – Drug Control**

The department, in fulfilling its mandate to regulate all matters related to pari-mutuel betting, maintains a schedule of prohibited substances, traces of which must not be detected in a post-race urine or blood sample obtained from a horse. Many substances have actions on a horse's system that could significantly alter the animal's natural performance and thereby unfairly affect the outcome of a race.

Amendment of the drug schedule is a standing proposal in the Federal Regulatory Plan because, in any given year, as research progresses, it may be appropriate to revise the regulation of these drugs. This is done by adding or deleting such substances to/from the schedule permanently or by specifying a quantitative limit for a substance already in the schedule.

Under the Pari-Mutuel Betting Supervision Regulations, all new drugs are automatically banned temporarily. This preliminary period gives the Federal Drug Advisory Committee the opportunity to examine the substance and its possible effect on the outcome of a race if used in a race horse. It also provides an opportunity for the laboratories and the Canadian Pari-Mutuel Agency's research facility to acquire the knowledge necessary to control the substance in a reasonable manner.

Maintaining an up-to-date schedule ensures that the interests of the betting public continue to be protected. There is no additional cost to the racing industry or to government since the number of samples analyzed remains the same.

**Classification:** Intermediate cost

**Status:** This is a recurring initiative.

**Contact:** Elizabeth Cleghorn, Executive Director, Canadian Pari-Mutuel Agency, Department of Agriculture and Agri-Food, P.O. Box 5904, Station F, Ottawa, Ontario, K2C 3X7.

Tel. (613) 998-4922; Fax (613) 952-7466.

#### AGR-33

##### **Pest Control Products Regulations – Exemption of Specific Active Ingredients**

Pesticide registration includes not only products, but also the technical active ingredient on which the products are based. However, a number of these active ingredients have a wide pattern of use in other commercial areas and therefore are subject to other rigorous standards. Registration of these ingredients is a duplication of regulatory control that results in an unnecessary regulatory burden on industry and government.

The proposed amendment will exempt a number of active ingredients from registration and prescribe the conditions of exemption in a schedule. Products that are formulated from these active ingredients will still be subject to the normal regulatory process.

Administrative requirements will be reduced for registrants of these products and the high standards of health and safety currently enjoyed by users and the public will be maintained.

This is a new initiative.

This is an industry-driven initiative.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number AGR-26.

**Contact:** Dr. R.G. Taylor, Associate Director, Issues, Planning and Priorities Division, Plant Industry Directorate, Food Production and Inspection Branch, Department of Agriculture and Agri-Food, 2200 Walkley Road, Ottawa, Ontario, K1A 0C5.  
Tel. (613) 993-4544; Fax (613) 990-0605.

#### AGR-34

##### **Pest Control Products Regulations – Registration of Accepted Active Ingredients**

Pesticides registration has been extended to include not only products, but after the technical active ingredient on which the products are based. Current regulations state that active ingredients accepted for use in a control product that was registered before January 1, 1984, are exempt from being registered themselves.

The proposed amendment will remove this exemption and require that all active ingredients used in control products be registered. This will make it possible to recognize unregistered (unacceptable) active ingredients and to prevent their importation into Canada. It will also allow Canada to implement the Codes of Conduct of both the United Nations Environmental Program and the Food and Agriculture Organization governing export of severely restricted (banned) pesticides moving in international trade.



This amendment will require registration and pre-sale assessment of risk and safety for sources of pesticides used in Canada and therefore, provide greater assurance of human health and environmental safety. Internationally, Canada will be seen as living up to its agreements, especially with regard to pesticides exports to other countries. There will be a slight increase in the administration workload for manufacturers as they will be required to submit an application for registration indicating a registration number. Registered products will be clearly identifiable to customs officials, ending the current confusion as to what is registered and what is not.

This initiative responds to recommendations of the Pesticide Registration Review.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number AGR-28.

**Contact:** Dr. R.G. Taylor, Associate Director, Issues, Planning and Priorities Division, Plant Industry Directorate, Food Production and Inspection Branch, Department of Agriculture and Agri-Food, 2200 Walkley Road, Ottawa, Ontario, K1A 0C5. Tel. (613) 993-4544; Fax (613) 990-0605.

#### AGR-35

##### **Pest Control Products Regulations – Research Permits Notification**

The purpose of this amendment is to establish, in regulation, notification procedures for minor research. Research is essential to the development and assessment of pest control products. The resulting scientific and technical information is needed to evaluate the effectiveness and safety of a product and can only be provided through well-documented research. Research programs may be exempt from the requirement for federal research permits depending on the type, location and total area of research to be done. Similarly, this amendment will allow certain research programs to be undertaken following notification of the Plant Industry Directorate. This procedure will reduce regulatory burden to industry and the regulatory agency.

This initiative responds to recommendations of the Pesticide Registration Review.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Dr. R.G. Taylor, Associate Director, Issues, Planning and Priorities Division, Plant Industry Directorate, Food Production and Inspection Branch, Department of Agriculture and Agri-Food, 2200 Walkley Road, Ottawa, Ontario, K1A 0C5. Tel. (613) 993-4544; Fax (613) 990-0605.

#### AGR-36

##### **Pest Control Products Regulations – Data Requirements Clarification**

The purpose of this regulatory amendment is to clarify the types of conditions where data may be required for the evaluation of control products. The Department of Agriculture and Agri-Food has, for many years, required data to determine the safety, merit and value of the control product. The current amendment will ensure that generic data requirements are sufficiently comprehensive to accommodate all types of products to be regulated while at the same time providing flexibility in registration criteria to accommodate appropriate data requirements for different types of products. This amendment will reduce regulatory delays by providing clearer direction and flexibility.

This initiative responds to recommendations of the Pesticide Registration Review.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Dr. R.G. Taylor, Associate Director, Issues, Planning and Priorities Division, Plant Industry Directorate, Food Production and Inspection Branch, Department of Agriculture and Agri-Food, 2200 Walkley Road, Ottawa, Ontario, K1A 0C5. Tel. (613) 993-4544; Fax (613) 990-0605.

#### AGR-37

##### **Pest Control Products Regulations – Exemption of Minor Amendments, Notification/Non-Notification**

The purpose of this regulation is to establish exemptions for minor amendments to registered products. This initiative responds to recommendations of the Pesticide Registration Review to simplify the registration process, to eliminate regulatory burden where possible and to harmonize with the United States Environmental Protection Agency. This regulation will reduce the workload for both industry and government, thereby expediting the registration process. Under the proposal, selected minor changes to a registered product (e.g., correction of typographical errors, certain label formats) may be undertaken by industry without an application for amendment. These changes will reduce costs of regulating these products without compromising regulatory control.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Dr. R.G. Taylor, Associate Director, Issues, Planning and Priorities Division, Plant Industry Directorate, Food Production and Inspection Branch, Department of Agriculture and Agri-Food,

2200 Walkley Road, Ottawa, Ontario, K1A 0C5.  
Tel. (613) 993-4544; Fax (613) 990-0605.

#### AGR-38

##### **Pest Control Products Regulations – Definition of Organism**

The Pest Control Products Act provides legislative authority to regulate products used for the control of pests and the organic functions of plants and animals. A control product is defined under the Act to include organism; however, there is currently no definition of organism under the Pest Control Product Regulations. There is currently increased activity in the development of pest control products using various techniques of biotechnology. This amendment will define organism to ensure that it includes the products of biotechnology.

This initiative is required by the implementation of the federal framework for biotechnology, December 1, 1992. This framework is based on principles that will ensure the practical benefits of biotechnology products and processes are balanced against the need to protect the environment as well as guarantee human safety.

This is a departmental initiative.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number AGR-25

**Contact:** Dr. R.G. Taylor, Associate Director, Issues, Planning and Priorities Division, Plant Industry Directorate, Food Production and Inspection Branch, Department of Agriculture and Agri-Food, 2200 Walkley Road, Ottawa, Ontario, K1A 0C6.  
Tel. (613) 993-4544; Fax (613) 990-0605.

#### AGR-39

##### **Pest Control Products Regulations – Scheduling of Products for Use in Apiculture**

The purpose of this regulatory amendment is to exempt from registration and regulate under the purview of Schedule II of the Pest Control Products Regulations the use of formic acid and menthol by beekeepers for the detection and/or control of honey bee mite pests that have recently been found in Canada. This initiative responds to petitions made by the beekeeping industry to regulate formic acid and menthol so that the use of these products is in compliance with the Pest Control Products Act. The beekeeping industry is prepared to accept the level of efficacy indicated by existing data. Formic acid is naturally found in honey, and formic acid and menthol are already used in applications such as food flavourings and are regulated under other legislation. The current amendment will define specific conditions, including safe handling

procedures, under which beekeepers will be permitted to use formic acid or menthol. These conditions have been developed in co-operation with the beekeeping industry, the Department of Health and the Department of the Environment.

This is an industry-driven initiative.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Dr. R.G. Taylor, Associate Director, Issues, Planning and Priorities Division, Plant Industry Directorate, Food Production and Inspection Branch, Department of Agriculture and Agri-Food, 2200 Walkley Road, Ottawa, Ontario, K1A 0C5.  
Tel. (613) 993-4544; Fax (613) 990-0605.

#### AGR-40

##### **Plant Breeders' Rights Regulations – Amendment**

Schedule I of the Plant Breeders Rights Regulations will be amended to specify additional categories that are eligible for protection. Schedule II, listing fees for plant breeders' rights, will be amended to include a fee for certified copies of the register. Certified copies of the register may be required as evidence in court or upon request from UPOV (International Union for the Protection of New Varieties of Plants) member countries.

Also included are several amendments, mostly housekeeping in nature, arising from comments received from the Standing Joint Committee for the Scrutiny of Regulations (SJC).

The Plant Breeders Rights Office (PBRO) operates on a cost recovery basis. The addition of new categories that are eligible for protection will increase the number of applications accepted and result in an increase in the total revenue collected by the PBRO. The amendment will not require new government resources.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** R. Greene, Director, Plant Products Division, Plant Industry Directorate, Food Production and Inspection Branch, Department of Agriculture and Agri-Food, 960 Carling Avenue, Ottawa, Ontario, K1A 0C6.  
Tel. (613) 995-7900; Fax (613) 992-5219.

#### AGR-41

##### **Plant Protection Regulations**

The proposed Plant Protection Regulations will complement the Plant Protection Act, which came into force on October 1, 1990. The proposed regulations will replace the Plant Quarantine Regulations.



The Plant Protection Regulations will serve to prevent the introduction into and the spreading within or from Canada of injurious plant pests. The regulations will stipulate all conditions, prohibitions and restrictions governing the importation, exportation and the domestic movement of plants or other things capable of conveying a plant pest. There will be provisions to enable the Department of Agriculture and Agri-Food to deal with plant pest infestations within Canada in a quick and efficient manner. The regulations will stipulate the same user fees as those presently stated in the Plant Quarantine Regulations.

The proposed regulations will protect the environment by preventing the introduction or the spreading within Canada of injurious plant pests. The regulations will indicate to foreign countries Canada's continued desire to control or eradicate plant pest infestations within Canada and thereby prevent the transmission of any plant pest of economic importance to Canada's trading partners. Provisions enabling the Department of Agriculture and Agri-Food to deal with plant pest infestations will have the same financial implications, for the owner of infested properties or things, as those provisions contained in the Plant Quarantine Regulations. The regulations will contain provisions to prohibit or restrict the use, movement or the disposition of any plant or other thing within an area declared by the Minister or an inspector to be infested with a plant pest.

The benefits of these regulations are expected to exceed administrative costs. For example, the introduction into Canada of an exotic plant pest can, in the long run, cost several millions of dollars to control or eradicate. Other benefits, largely in terms of jobs for Canadians, will be derived from the protection of Canadian agricultural and forestry resources and the securing of export markets. These proposed regulations were examined during the departmental regulatory review of 1992.

**Classification:** Major

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number AGR-30.

**Contact:** Wilf Bradnock, Director, Plant Protection Division, Food Production and Inspection Branch, Department of Agriculture and Agri-Food, K.W. Neatby Building, 960 Carling Avenue, Ottawa, Ontario, K1A 0C6.  
Tel. (613) 995-7900; Fax (613) 943-2482.

## AGR-42

### Quarantine and Inspection Service Fees Order – Revision

The present Order under the Financial Administration Act allows the collection of fees for quarantine of animals imported into Canada and for inspections performed outside of normal working hours. The amendment will reflect increased costs since the current fees were put in place.

The amendment will also reflect a review of alternative ways of assessing costs of using a quarantine station to more closely reflect the actual costs to the government. The costs recovered will no longer be based on the individual species but on the space used in the quarantine station. The importer will be responsible for providing requirements that are specific to the animals, such as food and treatment by veterinarians.

The amendments will increase the cost of overtime inspection and quarantine of animals to those requesting the services. The increases will reflect the increase in costs of the services to the Government since the last changes and will allow for future changes based on the rate of inflation.

The departmental regulatory review is responsible for initiating these amendments.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Dr. C. Lavigne, Associate Director, Import and Export Section, Animal Health Division, Food Production and Inspection Branch, Department of Agriculture and Agri-Food, Halldon House, 2255 Carling Avenue, Ottawa, Ontario, K1A 0Y9.  
Tel. (613) 995-5433; Fax (613) 993-4334.

## AGR-43

### Rabies Indemnity Regulations – Revision

The Rabies Indemnity Regulations allow the Department of Agriculture and Agri-Food and its provincial counterparts to pay an indemnity to farmers who report livestock that have rabies. The indemnity is paid to encourage reporting of potential cases so that any human exposure can be evaluated and, if necessary, treated. The province of Ontario has asked that ranch-bred foxes be added to the list of animals for which an indemnity be paid. The impact will be minor except to the individual farmer who has an outbreak of rabies. Only one or two farms report rabies annually and the numbers of foxes actually infected is small in most cases.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Dr. David Gregory, Chief, Poultry and Zoonotic Diseases, Animal Health Division, Food Production and Inspection Branch, Department of

Agriculture and Agri-Food, Halldon House,  
2255 Carling Avenue, Ottawa, Ontario, K1A 0Y9.  
Tel. (613) 995-5433; Fax (613) 990-6543.

#### AGR-44

##### **Seeds Regulations – Definition of Biotechnology**

The Seeds Regulations govern the inspection, testing, quality and sale of seed in Canada. This amendment will clarify that seed of plant varieties developed through biotechnology is subject to the regulations. This is a government initiative intended to clarify regulatory communication through common terminology.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Michael Scheffel, Chief, Legislation, Seed Section, Plant Products Division, Plant Industry Directorate, Food Production and Inspection Branch, Department of Agriculture and Agri-Food, Ottawa, Ontario, K1A 0C6.  
Tel. (613) 995-7900; Fax (613) 992-5219.

#### AGR-45

##### **Seeds Regulations – Authorization of Field Testing**

The Seeds Regulations govern the testing, inspection, quality and sale of seed in Canada.

The relatively recent development of plant varieties using the tools of biotechnology has attracted attention to the possibility that varieties may pose a risk to the health of humans, animals or the environment. The purpose of these regulations is to provide a mechanism for the evaluation of new varieties based on a scientific, internationally accepted model of risk/value prior to their release into the open environment.

The benefits of such a regime include the confirmation that new seed products are being properly evaluated before they are widely distributed. This should ensure citizens, the seed industry and our international trading partners that established standards will be met to the benefit of all. Innovation in the seed industry will be encouraged, new products will become available and sustainable agricultural and environmental practices should be enhanced. The cost of subjecting varieties to a risk/value determination will be relatively minor compared with the potential value of the products themselves. It is proposed that the developers of the new varieties should bear the full cost of this evaluation. This is a government initiative undertaken to assure that any risk to the public and the environment from modified varieties is minimized.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number AGR-32.

**Contact:** Michael Scheffel, Chief, Legislation, Seed Section, Plant Products Division, Plant Industry Directorate, Food Production and Inspection Branch, Department of Agriculture and Agri-Food, Ottawa, Ontario, K1A 0C6.  
Tel. (613) 995-7900; Fax (613) 992-5219.

#### AGR-46

##### **Seeds Regulations – Miscellaneous Revisions**

The Seeds Regulations govern the inspection, testing, quality and sale of seed in Canada. Recent amendments resulted in general revisions to Parts I and III and the addition of a Part IV. Further amendments are required to finalize the update of the regulations. This is a government initiative to streamline regulatory practices in response to an extensive regulatory review undertaken in consultation with stakeholders.

These amendments will revise the schedules to the Seeds Regulations and the Weed Seeds Order. Schedule I, seed standards, requires changes to include additional species so that they can be sold by grade name and changes to some germination and purity standards. There have been requests to add species to Schedule II, species which can be sold by variety name only as a class of pedigreed seed. Schedule III, fees, will also be revised in response to initiatives on fees for service. The Weed Seeds Order, a list of species the seeds of which are considered to be weed seeds for the purpose of establishing grades under the Seeds Act, will also be amended.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Michael Scheffel, Chief, Legislation, Seed Section, Plant Products Division, Plant Industry Directorate, Food Production and Inspection Branch, Department of Agriculture and Agri-Food, Ottawa, Ontario, K1A 0C6.  
Tel. (613) 995-7900; Fax (613) 992-5219.

#### AGR-47

##### **Seed Regulations – Seed Potatoes**

The amendment will introduce standards (e.g., zero tolerance) for the disease Tobacco Veinal Necrosis Strain of Potato Virus Y (PVY<sup>tn</sup>) in seed potato fields. This will be accomplished through the seed potato certification procedures.

PVY<sup>tn</sup> was detected in Canada in 1990 and caused many problems to growers. Different levels of government in both the United States and Canada were involved. The first approach was to take action leading to the eradication of the disease, as



evidenced the quarantine applied by the USA leading to loss of markets. Now both the United States and Canada have agreed in principle that their objective should be to control the disease through certification. Details are to be developed through further negotiations.

The following regulatory topics will be discussed during consultation sessions with the seed potato industry and provincial departments of Agriculture: farm management practices (e.g., sharing equipment between farms, common storages, cleaning and disinfection procedures); bacterial Ring Rot testing procedures and requirements; tuber grade standards; the inclusion of post harvest tests in the regulations; control of potato diseases in those varieties that are exempted from registration under Part III of the Seeds Regulations; development of a new class of seed potatoes to cover the cultivars (varieties) that are under evaluation by the potato breeders; restructuring of the fee schedules paid by the growers; this is a joint government-industry initiative from the regulatory review.

**Classification:** Major

**Status:** This is a new initiative

**Contact:** W.T. Bradnock, Director, Plant Protection Division, Food Production and Inspection Branch, Department of Agriculture and Agri-Food, Ottawa, Ontario, K1A 0C6.

Tel. (613) 995-7900; Fax (613) 943-2482.

## Future Initiatives

### Administrative Monetary Penalty Regulations

The Food Production and Inspection Branch is proposing to introduce the Agriculture Administrative Monetary Penalty Act. The Act and regulations will allow the Branch to issue fines for non-compliance to Branch regulations. This system will assist the Branch to respond to industry requests for more equitable enforcement of regulations, particularly between imported and domestic product.

The regulations will outline the administrative monetary penalty system's procedures and proceedings, including the penalty matrices that will be used by officials to calculate fines, the procedure for entering into compliance agreements, and the options available to alleged contraveners.

Consultations will be held with all national industry associations. Other stakeholders will be made aware of the department's plans through a notice in the *Canada Gazette*.

These regulations are a recommendation from the regulatory review.

**Contact:** Reg Gatenby, Chief, Crisis Management and Legislation, Regulatory Affairs Division, FPI Branch, Department of Agriculture and Agri-Food, Ottawa, Ontario, K1A 0C5.

Tel. (613) 992-2114; Fax (613) 992-1683.

### Beneficiary Pays

The Food Production and Inspection Branch will be introducing new user fees based on the principle that the beneficiary of branch services should be responsible for the costs of delivery. The fees will be set by determining what portion of the benefit is a "private good" and what portion is a "public good". The government will maintain responsibility for "public good" activities.

The beneficiary pays principle is one of the alternative business arrangements that is proposed in the Branch's Business Plan and was a recommendation of the 1992 regulatory review. Generating revenue through additional user fees will assist the branch in offsetting future resource reductions in order to maintain the level of inspection and regulatory services required for health and safety and trade and commerce purposes. This is dependent on the branch's ability to implement a revenue retention scheme.

Increased user fees will introduce market forces into the provision of inspection and regulatory programs by having the costs of the services borne by the beneficiary, thereby transferring the financial responsibility for the services from the taxpayer to the private enterprise that most directly benefits. This action is consistent with the direction being taken by Canada's major trading partners who have already introduced user fees for many regulatory activities.

Consultations will be held with national and regional industry associations and provincial governments.

**Contact:** Blair Coomber, Senior Policy Analyst, Policy Analysis and Coordination Division, FPI Branch, Department of Agriculture and Agri-Food, Ottawa, Ontario, K1A 0C5.

Tel. (613) 992-2114; Fax (613) 995-8464.

### Fertilizers Regulations – Label Review Fee

In recent years, evaluation resources have declined considerably in line with the government fiscal framework policy of resource restraint. A review of all the labels of products exempted from registration, currently carried out as a service to the industry on a request basis, is no longer feasible. The review of exempted labels is holding up the registration of products that specifically require

registration under the Fertilizers Act and regulations. This amendment proposes a service whereby labels of products exempted from registration may be reviewed for a fee, upon request. This amendment is being initiated out of the regulatory review and is in line with the current Branch Business Plan and cost recovery exercise.

Alternatives under review are the status quo, cancellation of the fertilizers sections as requested label review program, or the implementation of a user fee for label review of products exempted from registration.

The department will consult mainly with the Canadian Fertilizer Institute, which represents a large majority of the fertilizer industry, and with provincial organizations. Other stakeholders will be made aware of the department's plans through a notice in the *Canada Gazette*.

This is a government-proposed initiative to recover service costs from groups directly benefitting from the service.

**Contact:** D. Gordon, Technical Services Officer, Plant Products Division, Food Production and Inspection Branch, Department of Agriculture and Agri-Food, K.W. Neatby Building, 960 Carling Avenue, Ottawa, Ontario, K1A 0C6. Tel. (613) 995-7900; Fax (613) 992-5219.

### Grain Futures Regulations

The Commission is currently consulting with interested parties with a view to amending the Grain Futures Act. The amendments to the Act will trigger changes to the Grain Futures Regulations.

Alternatives under review include the statutory recognition of a self-regulatory organization to regulate the operation of futures' markets; the status quo; and increased regulatory supervision by the Commission and the Supervisor of the Exchange. Consultations will be held with a wide variety of interested parties, including the Winnipeg Commodity Exchange, the Vancouver Grain Exchange, provincial governments, etc. Additional costs related to the new regulations are expected to be moderate.

This was initiated by the industry.

**Contact:** Régis Gosselin, Acting Corporate Secretary, Executive Division, Canadian Grain Commission, 600 – 303 Main Street, Winnipeg, Manitoba, R3C 3G8. Tel. (204) 983-3081; Fax (204) 983-2751.

### Health of Animals Regulations – Transportation of Animals

The department will be reviewing its role in enforcing the humane transportation of animals regulations in order to determine the most effective method of delivering the program. This review was recommended by the regulatory review.

Discussions will be held with a wide body of outside agencies and non-governmental organizations to determine the role of the provinces and private organizations in the program.

**Contact:** Dr. Gordon Doonan, Special Projects Officer, Animal Health Division, Food Production and Inspection Branch, Department of Agriculture and Agri-Food, Halldon House, 2255 Carling Avenue, Ottawa, Ontario, K1A 0Y9. Tel. (613) 995-5433; Fax (613) 993-4336

### Health of Animals Regulations – Animal Identification

The department is developing a program of animal identification. One of the major benefits of an identification system is the ability to trace animals found to be carrying disease back to their herd of origin. Currently, the lack of accurate identification of cattle means that the average traceback of a tuberculosis suspect would require the investigation of 27 herds of cattle. Many traceback investigations can no longer be completed because the resources required are not available.

With an adequate identification system, the average traceback would only require investigation of two herds. This increased efficiency would allow completion of more traceback investigations. The earlier identification of infected herds would reduce the spread of disease and increase the effectiveness of eradication programs.

A committee of departmental and industry representatives is discussing the feasibility of the system, including the methodology to be used and the benefits that would be produced from an identification system for animals.

**Contact:** Dr. Ron Rogers, Projects Officer, Disease Control, Animal Health Division, Food Production and Inspection Branch, Department of Agriculture and Agri-Food, Halldon House, 2255 Carling Avenue, Ottawa, Ontario, K1A 0Y9. Tel. (613) 995-5433; Fax (613) 990-6543.

### Health of Animals Regulations – Toxic Substances

The Health of Animals Act contains authority to control animals that have been contaminated by toxic substances in order to protect the human food supply. The department is reviewing its role in the



control of toxic substances in food animals in order to decide what substances will be controlled and what regulatory program will be adopted.

The department will be consulting industry groups and provincial governments to ensure that any regulatory program that is adopted is appropriate and does not overlap provincial programs.

**Contact:** Dr. John Kellar, Associate Director, Disease Control, Animal Health Division, Food Production and Inspection Branch, Department of Agriculture and Agri-Food, Halldon House, 2255 Carling Avenue, Ottawa, Ontario, K1A 0Y9. Tel. (613) 995-5433; Fax (613) 990-6543.

### **Revised Pest Control Products Act (PCPA) – Regulations**

The proposed amendments to the PCPA result from the government response to the recommendations of the Pesticide Registration Review and were developed through extensive consultation with interest groups. The amendments have been designed to provide a modern legislative foundation for the revised federal pesticide regulatory system and consist in part of a new authority for the Governor in Council to make regulations prescribing procedures in the areas listed below. Some of the work to develop new regulations has begun, but it is anticipated that the bulk of the regulations will be made over a period ending in the spring of 1997. Development of the regulations will involve consultation primarily with those interest groups involved in the Pesticide Registration Review. Other stakeholders will be made aware of the proposed regulations through notices in the *Canada Gazette*.

**Reporting of Adverse Effects:** These regulations would prescribe the timing, reporting arrangements, and other requirements for registrants and applicants to report factual information that reasonably supports a conclusion that a control product may have an unreasonable adverse effect on human health, safety and the environment. By prescribing the requirements in regulations, the pest control product industry will have a clear understanding of their responsibilities.

**Confidentiality Undertaking:** These regulations would be designed to prevent unauthorized use of test data submitted in support of registration applications that might be made available to the public. The intent of the regulations would be to minimize the potential for any negative impact on the competitiveness of the pest control product industry.

**Export Permits:** These regulations would delineate the circumstances under which the export of products subject to export restrictions might be

allowed. The intent of the regulations is to ensure that all health and safety considerations are respected without not imposing undue restriction on industry.

**Maintenance of Records:** These regulations would contribute to improved enforcement capabilities and to increased public confidence in the regulatory system through availability of information. Care would have to be exercised in preparing these regulations in order to avoid undue regulatory burden.

**Protection of Proprietary Rights to Data:** These regulations would provide protection to registrants, comparable to the protection provided in other countries, for the data generated in support of registration applications. The details of these provisions are described in the government response to the Pesticide Registration Review and have been agreed to by all stakeholders. The regulations would have a positive impact on the competitiveness of the control product industry and also on the agricultural and forestry sectors by providing incentives for registration of products in Canada.

**Workplace Hazardous Materials Information System (WHMIS):** Regulations are necessary to comply with requirements under WHMIS and will contribute to minimizing occupational risks posed by the use of control products.

**Implementation of Trade Agreements Affecting Pesticides:** Regulations may be required in the PCPA to implement certain aspects of the North American Free Trade Agreement or other trade agreements.

**Cost Recovery:** These regulations would permit the implementation of a cost recovery scheme to offset some of the costs to government of the pesticide regulatory system and to provide incentives for on-time performance in the review of registration submissions. In developing these regulations, due cognizance will need to be taken of cost recovery schemes and policies already in place within the Department of Agriculture and Agri-Food and the other departments.

**Points of Importation:** These regulations would permit restricting the import of certain control products to specific points of importation. This would only be done when it would otherwise be difficult to ensure that points of importation had adequate inspection staff to prevent infractions of the Act and regulations.

**Registration Types:** These regulations would prescribe different registration types and the conditions of registration for each. The regulations would reduce costs to the pest control product

industry by ensuring that registration requirements were tailored to particular product and use categories, such as products imported solely for formulation and export or products for minor uses.

**Laboratory Practice:** These regulations would prescribe requirements for laboratory practice to be followed in the development of data submitted in support of registration of control products. This would ensure that assessments of risks to human health, safety and the environment are not based on faulty data. Public safety would be improved and the cost to industry potentially reduced by eliminating the need to repeat studies judged to not follow accepted practices.

The only alternative to regulation in the above areas is the status quo which would be contrary to the government commitment to implement a revised pesticide regulatory system based on the spirit and most of the recommendations of the Pesticide Registration Review.

**Contact:** Ivo Krupka, Executive Secretary, Pest Management Secretariat, Trebla Building, 473 Albert Street, Ottawa, Ontario, K1A 0C5. Tel. (613) 991-0216; Fax (613) 991-0231.

### Ports of Entry

Egg Regulations, Processed Egg Regulations, Dairy Products Regulations, Fresh Fruit and Vegetable Regulations, Processed Products Regulations, Feeds Regulations, Fertilizers Regulations, Health of Animals Regulations, Meat Inspection Regulations, Pest Control Products Regulations, Plant Protection Regulations, Seeds Regulations.

In order to balance and rationalize levels of service at points of importation, the department must focus resources at points of importation which reflect both the resource limitations of government and commercial trading trends. Furthermore, the department must expand service hours and levels of service where necessary but balance this with the reduction in service at points of importation with similar characteristics.

Food Production and Inspection Branch Regulations must be reviewed and amended, if necessary, to ensure that there is appropriate authority consistent with the aforementioned policy, to have a presence of the Department of Agriculture and Agri-Food for programs at designated ports of entry. Legislation must also be reviewed to ensure consistent terminology and a consistent definition for "ports of entry".

This is a joint government-industry initiative for more equitable treatment of domestic versus imported products.

The department will be consulting with industry client groups and provincial governments over the proposed changes.

**Contact:** Alan Goldrosen, Regulatory Affairs Division, Food Product and Inspection Branch, Department of Agriculture and Agri-Food, Sir John Carling Building, Room 461, 930 Carling Avenue, Ottawa, Ontario, K1A 0C5. Tel. (613) 992-2114; Fax (613) 992-1683.

### Seeds Regulations – Regulatory Review Implementation

The Department of Agriculture and Agri-Food regulatory review in 1992 identified several issues that would require additional consultation prior to implementation. These issues include the involvement of the department in the delivery of crop inspection services; the involvement of the department in the authorization of seed establishments; the narrowing of the range of species that require variety registration; the deregulation of garden seed labelling; and detailed metric labelling requirements.

Alternatives under review include the status quo, complete deregulation, partial deregulation, privatization, voluntary standards and the establishment of a special operating agency or an institute to administer either a statutory or non-statutory seed program.

The Department of Agriculture and Agri-Food will consult with the Canadian Seed Growers' Association, the Canadian Seed Trade Association, the Commercial Seed Analysts Association of Canada, the provinces, and consumers of seed through various farm associations. This is a government initiative which will be undertaken in response to outstanding recommendations arising from the departmental regulatory review.

**Contact:** Michael Scheffel, Chief, Legislation, Seed Section, Plant Products Division, Plant Industry Directorate, Food Production and Inspection Branch, Department of Agriculture and Agri-Food, Ottawa, Ontario, K1A 0C6. Tel. (613) 995-7900; Fax (613) 992-5219.

### Special Crops Regulations

A task force composed of special crops producers has been established to review the appropriateness of the inspection, quality standards and licensing provisions of the Canada Grain Act and Regulations to determine whether the unique needs of these rapidly expanding crops would be best served by specific legislation and to develop the grading principles for such legislation and regulations if recommended.



Regulations pursuant to a new Act would better serve the unique requirements of the special crops industry. Additional costs related to the new legislation cannot be determined at present.

Alternatives under review are the status quo, involving regulation pursuant to the Canada Grain Act; and regulations pursuant to the new legislation. Extensive consultations will be undertaken by the task force and will involve producers, seed cleaning plant operators, producer organizations, marketers and buyers and provincial governments.

This was initiated by the Commission.

**Contact:** Régis Gosselin, Acting Corporate Secretary, Executive Division, Canadian Grain Commission, 600 - 303 Main Street, Winnipeg, Manitoba, R3C 3G8.

Tel. (204) 983-3081; Fax (204) 983-2751.

## **Agriculture, Department of**

This department is now part of the Department of Agriculture and Agri-Food.



# Canadian Heritage

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## General Information

### Roles and Responsibilities

Canadian Heritage includes certain components of the Department of the Secretary of State of Canada, the Department of Communications, as well as the Department of Multiculturalism and Citizenship. It also includes Parks Service, formerly with the Department of the Environment, and Amateur Sport, formerly with National Health and Welfare.

Every generation has a responsibility to preserve and build on what those before it have created so that future generations will have access to the heritage that has made Canada the distinctive nation that it is and will continue to be. Drawing on Canada's cultural and natural heritage, the objectives of the "founding organizations" of Canadian Heritage have been the following: supporting the full participation of all members of Canadian society and promoting among Canadians knowledge, understanding and appreciation of Canada, its human and natural history, regional diversity, culture, traditions, values, symbols, institutions and distinct identity; supporting opportunities to increase the appreciation and use of both official languages, working to eliminate racism and other forms of discrimination and barriers to participation, increasing knowledge, appreciation and enjoyment of human rights and fundamental freedoms, ensuring compliance with Canada's domestic and international human rights obligations; developing and maintaining a sports system that provides opportunities to all athletes and sport participants and ensures those with talent and dedication achieve the highest international level; supporting cultural creative expression through the development of Canadian cultural industries and organizations representing the performing, literary, and visual arts and promoting public access to, and appreciation of, cultural expression; and providing the means to commemorate, protect and present, both directly and indirectly, places that are significant examples of Canada's cultural and natural heritage in ways that encourage public

understanding, appreciation, and enjoyment and long-term ecological and commemorative integrity. Four sectors within Canadian Heritage are charged with carrying out the above activities.

The Citizenship and Canadian Identity Sector is responsible for activities intended to enhance a sense of identity and belonging among Canadians. These activities include: building a better understanding of Canada and pride in being Canadian; promoting linguistic duality, cultural diversity, and the participation of aboriginal peoples in the social, cultural, political and economic issues affecting their lives in Canadian society; and encouraging excellence and affiliation through sport and participation in major games.

The Cultural Development and Heritage Programs Sector is responsible for promoting artistic development in Canada, increasing public access to Canada's heritage and assisting in the preservation of this heritage. This responsibility includes stimulating access to Canadian arts and heritage products and services and encouraging public participation in related cultural activities. This sector also provides support to arts and heritage organizations and to the broadcasting and cultural industries. In fulfilling its mandate, the sector works closely with federal arts, heritage and broadcasting agencies, including the Canada Council, the National Arts Centre, Telefilm Canada, Canada's national museums, the Canadian Broadcasting Corporation and the Canadian Radio-television and Telecommunications Commission.

The Parks Canada Sector is responsible for playing a lead role in federal activities related to the formal recognition of persons, places, and events of national historic importance and places representative of Canada's natural and human heritage. In some cases, these heritage activities entail direct responsibility for the management (including both protection and presentation) of federal lands and their associated resources. This is the case for national parks, aspects of marine conservation areas, and a number of national historic sites. In other cases, activities are focused on formal designations by the Government of Canada and, as mandated, on support for the preservation and interpretation of designated heritage properties that are managed by others. These properties include all heritage railway stations, most federal heritage buildings, most Canadian heritage rivers, and many national historic sites.

The Corporate Services Sector integrates all the corporate service functions, including finance, human resource management and corporate

co-ordination. In addition to providing executive direction and a range of centralized services to the department, this sector is responsible for strategic planning, policy co-ordination, communications activities, and informatics management and administration.

## Legislative Mandate

- Department of Communications Act
- Broadcasting Act
- Canada Council Act
- Canadian Film Development Corporation Act
- Canadian Radio-television and Telecommunications Commission Act
- Cultural Property Export and Import Act
- National Arts Centre Act
- National Film Act
- National Library Act
- Museums Act
- National Archives of Canada Act
- Department of State Act
- Act to Incorporate the Jules and Paul-Emile Léger Foundation
- Corrupt Practices Inquiries Act
- Constitution Act, 1867
- Constitution Act, 1982
- Disfranchising Act
- Dominion Controverted Elections Act
- Holidays Act
- Laurier House Act
- Manitoba Act, 1870
- National Anthem Act
- National Flag of Canada Manufacturing Standards Act
- National Symbol of Canada Act
- Public Service Employment Act
- Financial Administration Act (Secretary of State, appropriate Minister with respect to the Public Service Commission)
- Official Languages Act (Part VII – Advancement of English and French)
- Social Sciences and Humanities Research Council Act
- Department of Multiculturalism and Citizenship Act
- Canadian Multiculturalism Act
- Canadian Heritage Language Institute Act (not yet proclaimed)
- Canadian Race Relations Foundation Act (not yet proclaimed)
- National Parks Act
- National Battlefields at Quebec Act
- Department of Transport Act, 1970 (Canals)
- Dominion Water Power Act
- Historic Sites and Monuments Act
- Heritage Railway Stations Protection Act



- Mingan Archipelago National Park Act
- National Capital Act
- Fitness and Amateur Sport Act

## Initiatives for 1994

### HER-1

#### **Amendment of the "Direction to the CRTC (Eligible Canadian Corporations) C.R.C. c. 376"**

The cited Direction (C.R.C. c. 376) is the means by which the Government of Canada has provided, since 1968, that Canadian broadcasting undertakings be at least 80 per cent owned and controlled by Canadians. The Direction provides that the Canadian Radio-television and Telecommunications Commission (CRTC) may not issue, or renew, a broadcasting licence to anyone who is not a Canadian citizen or an "eligible Canadian corporation", i.e., 80 per cent Canadian owned and controlled.

Concerns about the wording of the Direction have been expressed by Parliament's Standing Joint Committee for the Scrutiny of Regulations and also by the CRTC. The intent of the proposed amendment to the direction is to address these concerns. The department will consult with the CRTC, the Committee and those broadcasting industry players that may be affected by the changes.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Johanne Daniel, Chief, Trend Analysis, Regulatory Policy and Extension of Services, Broadcasting Policy Branch, Canadian Heritage, Ottawa, Ontario, K1A 0C8.

Tel. (613) 990-4881; Fax (613) 952-5109.

### HER-2

#### **Canadian Films and Video Tapes Certification Fees Order**

Pursuant to the 1982 Canadian Films and Video Tapes Certification Fees Order, costs for services provided in relation to the certification of Canadian films and video tapes are paid by users in the private sector who benefit from the service. These fees have not been modified since 1982.

The Canadian Audio-Visual Certification Office intends to modify the actual fee structure in order to better reflect the differences in the budget levels of the productions that benefit from certification. This revision will also seek to impose new and additional fees for the certification of applications of revenue guarantee that were added to the responsibilities of

the Office as a result of the Tax Reform of 1987 and for the granting of courtesy credits for non-Canadian producers.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Robert Soucy, Manager, Canadian Audio-Visual Certification Office, Cultural Industries Policy, Canadian Heritage, Ottawa, Ontario, K1A 0C8.

Tel. (613) 990-4090; Fax (613) 952-5110.

### HER-3

#### **Admission Fees to National Historic Sites**

Admission fees may be extended to selected national historic sites where entry is presently free. The introduction of fees at national historic sites where admission fees do not presently apply will be carried out in accordance with the government's cost recovery policy. Added costs to the visitor will result. Fees will be based on local market conditions and on the level of service provided and will be similar to fees currently charged at the other national historic sites.

**Classification:** Intermediate cost

**Status:** This is a recurring initiative.

**Contact:** Rosemarie Bray, Chief, Government Relations and Legislation, Federal Heritage Policy Branch, National Historic Sites Directorate, Canadian Parks Service, Canadian Heritage, Ottawa, Ontario, K1A 0M5.

Tel. (819) 997-4045; Fax (819) 953-6146.

### HER-4

#### **National Historic Parks Order**

As part of the National Historic Sites Directorate's ongoing responsibilities, there may be submissions in 1994 to set lands aside as national historic parks and to change headings and descriptions for those lands already set aside. Submissions will be put forward when clear title is acquired and/or the survey work is complete.

There are no costs to the visitor associated with these initiatives. Local communities generally benefit from the establishment of national historic parks in their area. A further benefit is the increased protection of the cultural and natural heritage resources located at these places.

**Classification:** Intermediate cost

**Status:** This is a recurring initiative.

**Contact:** Rosemarie Bray, Chief, Government Relations and Legislation, Federal Heritage Policy Branch, National Historic Sites Directorate, Canadian Parks Service, Canadian Heritage,

Ottawa, Ontario, K1A 0M5.  
Tel. (819) 997-4045; Fax (819) 953-6146.

#### HER-5

##### **Parks Canada Documents and Service Fees Regulations**

New regulations, to be called Parks Canada Documents and Service Fees Regulations, will establish fees for specific documents and services provided to the public by Parks Service. The fees will be based on 100 per cent recovery of the costs associated with the production of documents and delivery of administrative services, which is in line with Treasury Board policy. It is estimated that revenue generated from this initiative will be less than \$200,000.

There will be some reaction to the establishment of such fees. Services and documents such as leases and agreements for transfer of leases, previously provided free of cost, will now cost money. Consultation will take place to make the affected public aware of the Government of Canada's policies on cost recovery measures.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative EC-23.

**Contact:** Sharon Budd, Acting Chief, Legislation and Regulations, National Parks, Canadian Heritage, Ottawa, Ontario, K1A 0M5.

Tel. (819) 994-2698; Fax (819) 994-5140.

#### HER-6

##### **Amendments to the National Parks Businesses Regulations**

Amendments to the National Parks Businesses Regulations will address the concerns of the Standing Joint Committee on the Scrutiny of Regulations on the amount of discretionary authority given to national parks superintendents under these regulations. The amendments will also improve the administrative provisions of the regulations by updating the qualifications for the licensing of guides and by broadening the definition of a business.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number EC-25.

**Contact:** Sharon Budd, Acting Chief, Legislation and Regulations, National Parks, Canadian Heritage, Ottawa, Ontario, K1A 0M5.

Tel. (819) 994-2698; Fax (819) 994-5140.

#### HER-7

##### **Amendments to the National Parks Fishing Regulations**

Amendments will be made to the National Parks Fishing Regulations to make seasonal adjustments to quotas and open seasons and to extend the regulations to newly proclaimed parks, if necessary. Other amendments will be made to better organize and streamline the regulations and to improve their administration and enforcement. The amendments will also update the regulations to permit better management of fish resources in the parks.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Droughn Zavitski, Regulatory Analyst, Legislation and Regulations, National Parks, Canadian Heritage, Ottawa, Ontario, K1A 0M5.  
Tel. (819) 994-5138; Fax (819) 994-5140.

#### HER-8

##### **Amendments to the National Parks Building Regulations**

Amendments to the National Parks Building Regulations will correct a discrepancy in the regulations. It was intended that building permits be required for constructing any type of structure in the parks. However, the regulations were mistakenly drafted to require permits only for the construction of buildings. In addition, sections covering the terms and conditions and the suspension and cancellation of building permits are being added to strengthen and modernize the regulations.

The amendments will aid in controlling and regulating construction in the national parks.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number EC-26.

**Contact:** Sharon Budd, Acting Chief, Legislation and Regulations, National Parks, Canadian Heritage, Ottawa, Ontario, K1A 0M5.

Tel. (819) 994-2698; Fax (819) 994-5140.

#### HER-9

##### **Amendments to the National Parks Cottages Regulations**

Amendments to the National Parks Cottages Regulations will make corrections necessary to satisfy concerns of the Standing Joint Committee on the Scrutiny of Regulations concerning the extent of discretionary authority afforded national parks superintendents.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number EC-27.



**Contact:** Droughn Zavitski, Regulatory Analyst, Legislation and Regulations, National Parks, Canadian Heritage, Ottawa, Ontario, K1A 0M5. Tel. (819) 994-5138; Fax (819) 994-5140.

#### HER-10

##### **Amendments to the National Parks Fire Protection Regulations**

Amendments will be made to the National Parks Fire Protection Regulations to remove references in the text to the Fire Commissioner of Canada (FCC), formerly the Dominion Fire Commissioner of Canada. These amendments are administrative in nature and are necessary because the Government Property Fire Protection Regulations have been revoked. This has resulted in a significantly reduced FCC mandate. Authority once delegated to the FCC in the Fire Protection Regulations must now be delegated to a national park superintendent.

**Classification:** Low cost

**Status:** This initiative appeared in the the 1993 Regulatory Plan as initiative number EC-28.

**Contact:** Sharon Budd, Acting Chief, Legislation and Regulations, National Parks, Canadian Heritage, Ottawa, Ontario, K1A 0M5. Tel. (819) 994-2698; Fax (819) 994-5140.

#### HER-11

##### **Regulations Relating to the Proclamation of Gros Morne National Park**

At the time of proclamation of Gros Morne National Park in Newfoundland, various regulations will be amended or established to accord with the terms of a federal-provincial agreement for the creation of the park: National Parks General Regulations – amendment to allow local persons to remove sand and gravel for construction purposes other than for carrying out commerce in construction; Gros Morne National Park Snowshoe Hare Domestic Harvest Regulations – new regulations will be prepared, according to the management plan, to allow for the harvest of snowshoe hares in the park by local residents for domestic purposes; Gros Morne Timber Harvest Regulations – new regulations will be established, according to the management plan, to provide for the cutting and removal of timber in the park by local residents; and Gros Morne Forestry Timber Harvest Regulations will be revoked and the National Parks Timber Regulations will be amended to reflect the changes resulting from the proclamation of Gros Morne as a national park.

These amendments and new regulations will ensure that existing practices may continue after proclamation of Gros Morne.

**Classification:** Low cost

**Status:** These initiatives appeared in the 1993 Regulatory Plan as initiative number EC-30.

**Contact:** Sharon Budd, Acting Chief, Legislation and Regulations, National Parks, Canadian Heritage, Ottawa, Ontario, K1A 0M5. Tel. (819) 994-2698; Fax (819) 994-5140.

#### HER-12

##### **Regulations Relating to the Proclamation of Pacific Rim National Park Reserve**

At the time of proclamation of Pacific Rim National Park Reserve in British Columbia, various regulations will be amended to accord with the terms of a federal-provincial agreement for the creation of the park: National Parks Camping Regulations – an amendment to include Pacific Rim campgrounds in the schedule of camping permit fees; National Parks Fire Protection Regulations – an amendment to prohibit the starting or maintaining of fires above the high-tide line in Pacific Rim; National Parks Fishing Regulations – an amendment to account for the unique sport fishing situation that exists in Pacific Rim; an amendment to add open seasons, catch and possession limits and closed waters to the schedules; and an amendment to schedule certain fish species not yet listed; and National Parks Highway Traffic Regulations – an amendment to make certain provisions of the regulations not applicable to Pacific Rim National Park Reserve.

These amendments will ensure that existing practices may continue after the proclamation of Pacific Rim National Park Reserve.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number EC-31.

**Contact:** Droughn Zavitski, Regulatory Analyst, Legislation and Regulations, National Parks, Canadian Heritage, Ottawa, Ontario, K1A 0M5. Tel. (819) 994-5138; Fax (819) 994-5140.

#### HER-13

##### **Deregulation of Parks Canada User Fees**

Parks Canada currently sets out fees under 22 sets of regulations. The authority to establish the fees is derived from the National Parks Act and, in some cases, from the Financial Administration Act (parks and sites not yet proclaimed), the Department of Transport Act (heritage canals) and the Dominion Water Power Act (hydro electric installations). Adjustments to the fees or the establishment of new fees are now made via an Order in Council to amend the respective regulations.

As an alternative to the formal federal regulatory process and as part of the on going federal

government regulatory review, Parks Service may deregulate some of its user fees under its jurisdiction, such as those for access to national parks and national historic parks and sites, for the use of campgrounds and for the use of recreation facilities. Fees currently set out in the regulations would be applied on a contractual basis whereby a service would be provided or the use of a park facility would be permitted upon payment of a fee authorized by the Minister. Fee adjustments or introductions, nevertheless, would be made in accordance with the principles of the Treasury Board's User Fee and Regulatory policies, and adequate information would be provided to ensure that Parliament has appropriate opportunity to review established fees.

*Classification:* Low cost

*Status:* This is a new initiative.

*Contact:* Droughn Zavitski, Regulatory Analyst, Legislation and Regulations, National Parks, Canadian Heritage, Ottawa, Ontario, K1A 0M5. Tel. (819) 994-5138; Fax (819) 994-5140.

#### HER-14

##### **Ministerial Order Authorizing the Minister to Prescribe Fees for Services Provided by the National Archives of Canada**

The National Archives of Canada currently charges for copying and archival training services and plans to charge for additional information services according to current government policy. This proposal is a procedural instrument that would authorize the Minister to prescribe fees for a service or the use of a facility provided by the National Archives to external users. Fees to be levied under the new Order in Council will be developed within the framework of the user fee provisions of the Financial Administration Act and the current Treasury Board policy on external user charges for goods, services, property rights and privileges.

*Classification:* Low cost

*Status:* This will be a recurring initiative.

*Contact:* Elizabeth Hawkins, Special Projects Officer, Policy Branch, National Archives of Canada, Ottawa, Ontario, K1A 0N3. Tel. (613) 996-7232; Fax (613) 992-9010.

#### HER-15

##### **Order Authorizing the Minister to Prescribe Fees for Services provided by the National Library**

The current fees for services provided by the National Library were prescribed by the Minister under authority granted by a number of Orders in Council issued between 1978 and 1986. An initiative is currently under way to revoke those orders and to

obtain authorization for the Minister to prescribe, by order, the fees to be paid by users of the following classes of service provided by the National Library: information systems services; bibliographic services; reprographic services; and local delivery services.

The fees prescribed under the authority of this order will be determined in accordance with the Treasury Board policy on external user charges.

*Classification:* Low cost

*Status:* This is a new initiative.

*Contact:* Tom Delsey, Director, Policy and Planning, National Library of Canada, 395 Wellington Street., Ottawa, Ontario, K1A 0N4. Tel. (613) 943-1939; Fax (613) 996-7941.

#### HER-16

##### **National Library of Canada Fees Order**

The fees charged for the classes of National Library services noted in (HER-15) are periodically reviewed and revised to ensure that a portion of departmental costs are recovered. This proposal will adjust the level of fees to reflect the current costs of providing these services.

*Classification:* Low cost

*Status:* This is a new initiative.

*Contact:* Tom Delsey, Director, Policy and Planning, National Library of Canada, 395 Wellington Street., Ottawa, Ontario, K1A 0N4. Tel. (613) 943-1939; Fax (613) 996-7941.

#### HER-17

##### **Regulations Defining "Small Transmission Systems" for the Purposes of the Copyright Board Setting a Preferential Rate**

Amendments to the Copyright Act will require payments to be made by radio stations when they air performances and sound recordings to the public. As under the cable retransmission and transmission regimes, the Copyright Board will be directed to set a preferential rate for small systems.

This regulation will set out the criteria that define these "small transmission systems". The total cost of the regime and the relief granted to "small transmission systems" by virtue of this regulation cannot be determined at this time because of the nature of the compulsory licence regime, which envisages a tariff-setting process before the Copyright Board.

*Classification:* Intermediate cost

*Status:* This is a new initiative.

*Contact:* Danielle Bouvet, Acting Director, Copyright Policy, Canadian Heritage, Ottawa, Ontario, K1A 0C8. Tel. (613) 990-4222; Fax (613) 952-5312.



HER-18

**Regulation on the Quality of Service Provided by Exclusive Book Distributors to their Clients**

Amendments to the Copyright Act will provide exclusive distributors with the tools they need to ensure that their exclusive distribution contracts are respected, with the proviso that they provide adequate service to their clientele. The notion of "adequate service" will be set out in the regulations. Exclusive distributors and their clients will have to establish the parameters of their relationship vis-à-vis price and service, and the results of those negotiations will be reflected in regulations under the Copyright Act.

This amendment will make it possible to strengthen the infrastructure of the Canadian distribution system which is so essential to the promotion and dissemination of Canadian books. Bookstores and libraries will thus benefit in the long run since they will be guaranteed a consistent level of service.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Marie-Claude Girard, Chief, French Language Publishing Policy, Publishing Policy and Programs, Canadian Heritage, Ottawa, Ontario, K1A 0C8.

Tel. (613) 990-4150; Fax (613) 941-8975.

## Future Initiatives

**Canadian Cultural Property Export Control List**

This regulatory initiative addresses the preservation in Canada of significant examples of our heritage through the regulation of export of defined classes of movable cultural property.

The Canadian Cultural Property Export Control List is established by subsection 4(1) of the Cultural Property Export and Import Act. Any object which is more than 50 years old and made by a person who is no longer living is subject to export control. The Control List must be reviewed periodically to ensure that the age and type of cultural property that is subject to export control continues to be relevant and that the value limits are consistent with the current market for these objects.

These changes will amend value limits for some types of objects and may expand the current categories of cultural property that are subject to export control. The changes will also update technical terminology and the format of the regulations. A comprehensive survey of the curatorial and commercial interests affected by these regulations was undertaken during the spring

of 1993, and revisions will be proposed following an assessment of the responses.

**Contact:** David A. Walden, Director, Movable Cultural Property Program, Heritage Branch, Canadian Heritage, Ottawa, Ontario, K1A 0C8. Tel. (613) 990-4163; Fax (613) 954-8826.

**Water Power Regulations**

Regulations pertaining to the generation of water power on the historic canals and in the national parks south of 60 provide for the licensing of operators and identify the restrictions imposed on the operators. Amendments to the existing regulations are required to clarify and simplify the requirements and restrictions for power plant operators and reduce the paper burden associated with obtaining a licence. Revisions to the current fee structure may be desirable.

Alternatives under review are the status quo and the revision of the existing Dominion Water Power Regulations. This initiative appeared in the 1993 Regulatory Plan as initiative number EC-34.

The Canadian Parks Service will consult with interested parties in the course of preparing these amendments.

**Contact:** Rosemarie Bray, Chief, Government Relations and Legislation, Federal Heritage Policy Branch, National Historic Sites Directorate, Canadian Parks Service, Canadian Heritage, Ottawa, Ontario, K1A 0M5.

Tel. (819) 997-4045; Fax (819) 953-6146.

# Citizenship and Immigration, Department of

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## General Information

### Roles and Responsibilities

The new Department of Citizenship and Immigration has been established in recognition of the significance of immigration in Canada and the links between the immigration function and the Citizenship Courts and programs focused on citizenship promotion.

The new department consolidates under one Minister the following responsibilities with respect to immigration: processing of immigration applications overseas and in Canada; visa requirements and refugee matters; enforcement; setting immigration levels and selection criteria, settlement policies and programs and federal-provincial relations on immigration matters. The department manages the services, programs and processes necessary for citizenship registration.

The Minister has responsibility for the Immigration and Refugee Board.

### Legislative Mandate

The following legislation is administered by the Department of Citizenship and Immigration.

- Employment and Immigration Department and Commission Act
- Immigration Act
- The Department of Multiculturalism and Citizenship Act
- The Citizenship Act
- Immigration Act Fees Regulations
- Immigration Exemption Regulations
- Immigration Visa Exemption Regulations



## Initiatives for 1994

### CI-1

#### **Immigration Regulations, 1978 – Transportation, Assistance and Admissibility Loans**

The current regulations allow for transportation, assistance, and admissibility loans to be issued to Convention refugees and designated class persons (persons in refugee-like situations) on an interest-free basis for the life of the loan. These amendments will allow interest to be accrued on the balance owing on transportation, assistance and admissibility loans two years after issuance.

Changes to the regulations will allow the Minister to establish priorities for access to the loan fund and encourage earlier repayment of loans. These measures will ensure that the loan program will continue to operate on a revolving basis and encourage the availability of funds for other refugees and designated class persons.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1992 Regulatory Plan as EIC-11 and in the 1993 Regulatory Plan as EIC-10.

**Contact:** L.J. Baillargeon, A/Director, Special Settlement Programs, Settlement Branch, Immigration Operations, Department of Citizenship and Immigration, Place du Portage, Phase II, 4th Floor, 140 Promenade du Portage, Ottawa, Ontario, K1A 0J9.  
Tel. (819) 994-3238; Fax (819) 994-3673.

### CI-2

#### **Immigration Regulations, 1978 – Skilled Worker Immigrant Class**

The purpose of this initiative is to implement the "comparative" method of selection for skilled workers, as provided for by Bill C-86.

These new regulations will provide for the creation of a "Skilled Worker Class" of immigrant which will be subject to numerical limits, the creation of a comparative method for selecting this class of immigrant and amendments to the existing selection criteria schedule.

This initiative will provide the authority to manage the number and the quality of skilled worker immigrants.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Elizabeth Ruddick, Chief, Strategic Analysis, Strategic Planning and Research, Department of Citizenship and Immigration, Ottawa, Ontario, K1A 1K5.  
Tel. (819) 994-1543; Fax (819) 994-2264.

### CI-3

#### **Citizenship Regulations (general)**

A new Citizenship Act may be introduced in Parliament in 1994. If this occurs, new procedural regulations will be required to provide administrative support for the new Act. Should new legislation not be introduced, amendments will be made to existing regulations.

**Classification:** Intermediate cost

**Status:** This is a recurring initiative.

**Contact:** Richard Nolan, Registrar of Canadian Citizenship, Citizenship Registration and Promotion, Department of Citizenship and Immigration, Ottawa, Ontario, K1A 1K5.  
Tel. (819) 994-2869; Fax (819) 953-8386.

### CI-4

#### **Citizenship Regulations (fees)**

Continuing policy review for cost recovery will result in a reassessment of existing user fees for various citizenship services.

**Classification:** Intermediate cost

**Status:** This is a recurring initiative.

**Contact:** Richard Nolan, Registrar of Canadian Citizenship, Citizenship Registration and Promotion, Department of Citizenship and Immigration, Ottawa, Ontario, K1A 1K5.  
Tel. (819) 994-2869; Fax (819) 953-8386.

### CI-5

#### **Immigration Act Fees Regulations – New and Modified Fees**

This regulatory initiative is intended to expand the range of chargeable services provided under the immigration program, increase existing fees and streamline current fee applications.

These changes provide for the collection of fees for some immigration services that have previously been provided free of charge to the public.

Additionally, areas where fees are currently being charged will be subject to a general increase and a review with the intent of streamlining current fee applications. Since April 1991, fees for several immigration services that were previously provided at no cost to the recipient, and increases to existing fees have been introduced. Current analyses have shown that these fees still remain lower than the true cost of providing the immigration services.

Fees will not affect the present composition or volume of immigration traffic.

**Classification:** Intermediate cost

**Status:** This is a recurring initiative.

**Contact:** Denis A. Boulanger, Head, Cost Recovery Program, Resource Planning and Cost Recovery,

Immigration Support Services, Department of Citizenship and Immigration, Place du Portage, Phase IV, 2nd Floor, 140 Promenade du Portage, Hull, Quebec, K1A 0J9.  
Tel. (819) 994-4949; Fax (819) 953-4121.

#### CI-6

##### **Immigration Regulations, 1978 – Visitor Visa Requirements**

Subsection 9(1) of the Immigration Act requires every visitor, except in the cases prescribed by regulation, to apply for and obtain a visa before appearing at a Canadian port of entry. Prescription of cases is through inclusion in Schedule II of the Immigration Regulations and exemptions are usually granted on the basis of nationality.

In the event that a serious immigration control problem involving citizens of a specific country emerges or that the fraudulent use of a specific (visa-exempt) country's documents becomes a serious problem, it may be necessary to amend the regulations to cancel the visa-exempt status of citizens of such countries. Likewise, as immigration control problems are resolved, usually following socio-political events within a specific country, or in situations where bilateral agreements require that certain categories of visitors be exempt from visa requirements, it may become necessary to add countries to Schedule II. These are ongoing initiatives from year to year.

Removals from or additions to the visa-exempt list are reactive measures to counteract abuse of the Immigration Act by non-genuine visitors from the said country, or to provide for exemptions where immigration control problems are not in evidence. Direct impact on Canadians and the Canadian economy is minimal.

**Classification:** Low cost

**Status:** This is a recurring initiative.

**Contact:** Brian Grant, Director, Immigration Control Policy, Policy and Program Development, Department of Citizenship and Immigration, Place du Portage, Phase IV, 9th Floor, 140 Promenade du Portage, Hull, Quebec, K1A 0J9.  
Tel. (819) 953-7720; Fax (819) 953-8452.

#### CI-7

##### **Immigration Regulations, 1978 – Employment Authorization Exemption**

This initiative is intended to allow persons who come into Canada at the request of Canadian police forces, to engage in employment without an employment authorization in order to assist in a criminal investigation.

Subsection 18(1) of the Immigration Regulations, 1978 prohibits persons who are not Canadian citizens or permanent residents from engaging or continuing in employment in Canada without a valid and subsisting employment authorization. Subsection 19(1) of the regulations exempts persons who seek to come into Canada to engage in certain classes of employment from the application of subsection 18(1).

This initiative is consistent with the legislated objectives, which are to maintain and protect the safety and good order of Canadian society, and to deny the use of Canadian territory to persons who are likely to engage in criminal activity. On the average, 20 such cases are processed each year. Employment opportunities for Canadians are not affected.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number EIC-11.

**Contact:** Ian B. Taylor, Director, Security Operations, Security Review, Case Management (Immigration), Department of Citizenship and Immigration, Place du Portage, Phase IV, 9th Floor, 140 Promenade du Portage, Hull, Quebec, K1A 0J9.  
Tel. (819) 994-6306; Fax (819) 997-6825.

#### CI-8

##### **Immigration Regulations, 1978 – Exemption From Employment Authorization for Crew Members of Foreign Owned or Registered Vehicles**

This regulatory initiative is intended to ensure a more accurate reflection of government policy that prohibits cabotage of goods in the trucking industry. Cabotage is the movement by foreign transporters of goods or passengers between two or more Canadian destinations. The regulatory change is aimed primarily at trucking, rail and air transport. Canadian truckers are up against stiff competition from American truckers, who because of lower costs, are able to offer Canadian businesses cheaper rates to transport goods. The problem is exacerbated by the current Immigration Regulation which appears to permit some topping up of the principal international cargo.

It is important to recognize, however, that there are situations in which cabotage could be desirable. For instance, in areas of the country not served by Canadian transporters or where budgetary cuts have reduced transport services, some form of cabotage might be advantageous. In other cases, international agreements might permit a certain amount of cabotage to be practised.



The modification, therefore, requires a two-stage regulation. The first stage sets out the principle of prohibiting cabotage; the second, in the form of an Annex, lists selected derogations from the principle that are judged to be in Canada's interest.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number EIC-14.

**Contact:** Brian Grant, Director, Immigration Control Policy, Policy and Program Development, Department of Citizenship and Immigration, Place du Portage, Phase IV, 9th Floor, 140 Promenade du Portage, Hull, Quebec, K1A 0J9.

Tel. (819) 953-7720; Fax (819) 953-8452.

## CI-9

### **Immigration Regulations, 1978 – General Agreement on Trade in Services (GATT)**

This regulatory change is required to meet Canada's liberalization offer in the event that an agreement is reached on Trade in Services under the current round of GATT negotiations. As a result of this change, service sellers would be treated the same as sellers of goods and buyers of goods and services, all of whom are exempt from the requirement to obtain an employment authorization. This change would permit reciprocal access to foreign markets for Canadian service sellers.

**Classification:** Major

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number EIC-17.

**Contact:** Brian Grant, Director, Immigration Control Policy, Policy and Program Development, Department of Citizenship and Immigration, Place du Portage, Phase IV, 9th Floor, 140 Promenade du Portage, Hull, Quebec, K1A 0J9.

Tel. (819) 953-7720; Fax (819) 953-8452.

## CI-10

### **Immigration Regulations, 1978 – Student Authorization Limitation**

Section 10 of the Immigration Act prohibits persons, other than Canadian citizens and permanent residents from attending any university or college, or taking any academic, professional or vocational training course in Canada without obtaining a student authorization.

Section 17 of the regulations prescribes the requirements that must be satisfied by a person in order to obtain a student authorization.

This initiative will further prescribe the circumstances under which a student authorization may not be issued. These circumstances may, for reasons involving the national interest, preclude training courses in areas of sensitive technology. Yearly, this

initiative is expected to affect an average of 25 individuals who apply for student authorizations.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number EIC-19.

**Contact:** Murray Gordon, Senior Policy Advisor, Policy and Program Development, Immigration Policy, Department of Citizenship and Immigration, Place du Portage, Phase IV, 9th Floor, 140 Promenade du Portage, Hull, Quebec, K1A 0J9.

Tel. (819) 953-7775; Fax (819) 953-8452.

## CI-11

### **Immigration Regulations, 1978 – North American Free Trade Agreement (NAFTA)**

Subsection 19(1) of the Immigration Regulations, 1978 provides specific exemptions to the general requirement described in subsection 18(1) that a temporary foreign worker must be issued an employment authorization document to work in Canada.

While subsection 19(1) already exempts certain classes of visitors included in the North American Free Trade Agreement from obtaining employment authorizations, a new paragraph is needed to add those not covered.

This amendment will enable Canada to facilitate temporary entry on a reciprocal basis for United States and Mexican business visitors who are not now covered under the regulations and will also limit the exemption to business visitors of these two countries.

**Classification:** Major

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number EIC-24.

**Contact:** Brian Grant, Director, Immigration Control Policy, Policy and Program Development, Department of Citizenship and Immigration, Place du Portage, Phase IV, 9th Floor, 140 Promenade du Portage, Hull, Quebec, K1A 0J9.

Tel. (819) 953-7720; Fax (819) 953-8452.

## CI-12

### **Refugee Resettlement and Designated Class Regulations – Private Sponsorship Provisions**

Private sponsorship of refugees and members of designated classes has been the subject of a comprehensive review by a committee of both government and non-government representatives.

The review has identified a number of areas of concern, some of which may be addressed by amendments to the Immigration Regulations, 1978, and the various Designated Class Regulations outlining the roles and responsibilities of sponsoring

groups. These amendments will be the first major revisions of the regulations governing private sponsorship since the introduction of the current regulations in 1978.

**Classification:** Major

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number EIC-15.

**Contact:** Sandra Napoli, Senior Policy Advisor, Refugee Affairs (Immigration), Department of Citizenship and Immigration, Place du Portage, Phase II, 5th Floor, 165 Hotel de Ville Street, Hull, Quebec, K1A 0J9.

Tel. (819) 997-4424; Fax (819) 994-2680.

#### CI-13

##### **Indochinese Designated Class (Transitional) Regulations – Revocation**

The Indochinese Designated Class (Transitional) Regulations were created in August 1990. They were designed to amend Canada's refugee policy in Southeast Asia in accordance with the Comprehensive Plan of Action (CPA) agreed upon at the International Conference on Indochinese Refugees (ICIR) held in Geneva during June 1989.

The Indochinese Designated Class (Transitional) Regulations permit the selection of Vietnamese and Laotians who are outside their country of origin and who have not become permanently resettled. To remain consistent with the goals outlined in the CPA, however, only those Vietnamese and Laotians who are "long-stayers" are eligible under these regulations.

The majority of "long-stayers" have now been resettled in other countries. As Canada has more than fulfilled its obligation (under the CPA) to accept vast numbers of refugees within the three years following the 1989 conference. It is proposed to revoke the Indochinese Designated Class (Transitional) Regulations.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number EIC-21.

**Contact:** Craig Goodes, A/Director, Refugee Policy and Programs, Refugee Affairs (Immigration), Department of Citizenship and Immigration, Place du Portage, Phase IV, 9th Floor, 140 Promenade du Portage, Hull, Quebec, K1A 0J9.

Tel. (819) 953-2408; Fax (819) 994-2680.

#### CI-14

##### **Indochinese Designated Class Regulations – Revocation**

The Indochinese Designated Class Regulations originally permitted the selection of Vietnamese, Laotians and Cambodians who were outside their

country of origin, and who had not been permanently resettled.

An amendment to the regulations which came into effect on September 1, 1990, removed Vietnam and Laos from the schedule, leaving only Cambodia as a country to which the regulations applied.

Given the developments in Cambodia, the signing of the Cambodian Peace Accord in October 1991, the voluntary repatriation of Cambodians, and the initiation of a Family Reunification Program out of Cambodia, the designated class may no longer be required. The situation in Cambodia will be closely monitored, and, if initiatives prove successful, measures will be taken to revoke the Indochinese Class Regulations.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number EIC-22.

**Contact:** Craig Goodes, A/Director, Refugee Policy and Programs, Refugee Affairs (Immigration), Department of Citizenship and Immigration, Place du Portage, Phase IV, 9th Floor, 140 Promenade du Portage, Hull, Quebec, K1A 0J9.

Tel. (819) 953-2408; Fax (819) 994-2680.

#### CI-15

##### **Self-Exiled Persons Designated Class – Closing Date for Applications for Permanent Residence**

The Self Exiled Persons Designated Class Regulations first introduced in 1978 were designed for people from the (former) Soviet Union and other Eastern European countries, excluding (former) Yugoslavia, who had left their countries and were "unable or unwilling" to return. The Self-Exiled Class constituted a kind of quasi-refugee class, based on the absence of freedom of travel.

Subsequent to the relaxation of exit controls in these countries, a regulatory amendment established a "cut-off" date of August 31, 1990, for eligibility under the provisions of this Designated Class. By the end of August, there were an estimated 30,000 – 40,000 sponsorships submitted under the auspices of the private sponsorship program.

Over the past three years, processing of all government-assisted and the majority of privately sponsored undertakings related to this program have been finalized. A regulatory amendment is proposed to establish a closing date for receipt, by a visa office, of all applications for permanent residence by sponsored applicants required to process sponsorships submitted under the private sponsorship program. Once all applications submitted under the Self-Exiled Persons Designated Class Regulations have been processed, the regulations will be revoked.



**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number EIC-23.

**Contact:** Craig Goodes, A/Director, Refugee Policy and Programs, Refugee Affairs (Immigration), Department of Citizenship and Immigration, Place du Portage, Phase IV, 9th Floor, 140 Promenade du Portage, Hull, Quebec, K1A 0J9.  
Tel. (819) 953-2408; Fax (819) 994-2680.

#### CI-16

##### **Immigration Regulations, 1978 – Conformity with Revised Statutes, 1985**

The Revised Statutes, 1985 make numerous changes in the numbering and terminology of the Immigration Act. All provisions of the regulations that refer to renumbered sections of the Act or that use replaced terminology must be adjusted.

Adjustment of the regulations will make them easier to understand and use for all concerned, and will ensure that their subject matter continues to have secure legal foundation.

**Classification:** Low cost

**Status:** This initiative appeared in the 1992 Federal Regulatory Plan as initiative number EIC-10.

**Contact:** Donald MacKay, Chief, Strategic Planning and Legislation, Strategic Planning and Research, Department of Citizenship and Immigration, Ottawa, Ontario, K1A 1K5.  
Tel. (819) 994-2217; Fax (819) 994-2264.

#### CI-17

##### **Immigration Regulations, 1978 – Visa officers not required to determine whether a child in the custody of a non-immigrating parent is a member of an inadmissible class**

This initiative stipulates that a visa officer is not required to determine whether a dependent of an applicant for an immigrant visa is a member of an inadmissible class if that dependent is a child who is under the custody or guardianship of the other parent who is separated from, divorced from, or not living with the parent. This will simplify the examination of the applicant because it is often difficult to examine these children, particularly when there has been no contact with them for a long period of time. The dependents show no interest in accompanying the applicant.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Jim May, Chief, Working Group on Implementation of Legislation, Immigrant and Visitor Programs, Department of Citizenship and Immigration, Place de Ville, 18th Floor,

320 Queen Street, Ottawa, Ontario, K1A 0J9.  
Tel. (613) 941-9311; Fax (613) 941-9323.

#### CI-18

##### **Immigration Regulations, 1978 – On Demand Immigrant Processing**

The purpose of this initiative is to implement the "on demand" method of processing for immediate family members and immigrants with arranged employment, as provided for by Bill C-86.

These new regulations will establish that specified categories of immigrants will not be subject to numerical limits and will be processed without undue delay.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Elizabeth Ruddick, Chief, Strategic Analysis, Strategic Planning and Research, Immigration Policy, Department of Citizenship and Immigration, 9th Floor, 140 Place du Portage, Hull, Quebec, K1A 0J9.  
Tel. (819) 994-1543; Fax (819) 994-2264.

#### CI-19

##### **Immigration Regulations, 1978 – Issuance of Visitor Visas**

Section 13 of the regulations outlines the circumstances under which a visa officer may issue a visitor visa. This section stipulates that the visa officer must be satisfied that the applicant is able to depart Canada at the conclusion of his visit.

The definition of visitor in the Immigration Act states that visitors are persons who are in Canada for a temporary purpose. This regulatory amendment will permit a review of the applicant's intentions, and ability and is intended to clarify the visa officer's authority to refuse those visitor applicants whose purpose for visiting Canada is not temporary.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Mark Davidson, Deputy Director, Program Coordination, International Services (Immigration), Department of Citizenship and Immigration, Place du Portage, Phase IV, 3rd Floor, 140 Promenade du Portage, Hull, Quebec, K1A 0J9.  
Tel. (819) 997-5970; Fax (819) 994-0215.

#### CI-20

##### **Immigration Regulations, 1978 – Pending Criminal Charges**

Subsection 11.41 of the Immigration Regulations authorizes the delay in finalizing applications by members of a class of immigrants referred to in section 11.2 of the regulations if those members have committed certain criminal offences in Canada.

Under the current regulations, a person who is an applicant for a Canadian immigrant visa in a class other than those described in 11.2, would remain eligible even if there were outstanding criminal charges pending in Canada. While such an applicant could be ineligible on the basis of subsection 19(1)(c.1)(ii) of the Immigration Act if the charges were pending outside Canada, in the case of charges pending before a Canadian court, the applicant would remain eligible and could be landed if he or she met the other requirements.

Changes to the regulations will expand the purview of subsection 11.41 to include all immigrant applicants, regardless of the class in which they have applied.

**Classification** Low cost

**Status:** This is a new initiative.

**Contact** Mark Davidson, Deputy Director, Program Coordination, International Services Group (Immigration), Department of Citizenship and Immigration, Place du Portage, Phase IV, 3rd Floor, 140 Promenade du Portage, Hull, Quebec, K1A 0J9.

Tel. (819) 997-5970; Fax (819) 994-0215.



## **Communications, Department of**

Responsibilities of the entire department have been transferred as follows:

- cultural industries, broadcasting, arts and heritage functions to Canadian Heritage;
- telecommunications policy and programs to the Department of Industry; and
- Government Telecommunications Agency to Public Works and Government Services.

## **Consumer and Corporate Affairs, Department of**

Responsibilities of the entire department have been transferred as follows:

- packaging and labelling to Agriculture and Agri-Food;
- consumer product safety functions to the Department of Health;
- Registrar General function to Canadian Heritage; and
- the bureaus of Corporate Affairs and Consumer Affairs (except for consumer product safety) transferred to the Department of Industry.



## Employment and Immigration, Department of

Responsibilities of the entire department have been transferred as follow:

- employment and insurance to the Department of Human Resources Development;
- processing of immigration applications overseas and in Canada; visa requirements and refugee matters; and enforcement to the Department of Citizenship and Immigration; and
- setting immigration levels and selection criteria; settlement policies; and programs and federal-provincial relations on immigration matters to Department of Citizenship and Immigration.

## **Energy, Mines and Resources, Department of**

This department is now part of the Department of Natural Resources.



# Environment, Department of the

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## General Information

### Roles and Responsibilities

The Department of the Environment's statutory mandate is derived from the Government Organization Act, 1970. The Act establishes the powers and duties of the Minister of the Environment.

These include all matters over which Parliament has jurisdiction and that relate to the following: preservation of the natural environment and the enhancement of its quality, including water, air and soil quality; conservation of wildlife, including migratory birds and non-domestic flora and fauna; conservation of water resources and enforcement of rules and regulations arising from the advice of the International Joint Commission relating to boundary waters and questions arising between the United States and Canada that relate to the preservation

and enhancement of environmental quality; meteorology; and other federal matters relating to the natural environment assigned to the Minister. The Act also specifies the duties of the Minister in carrying out these responsibilities. Such duties include promoting the adoption of objectives or standards relating to environmental quality and pollution control, mitigating the adverse environmental impact of new federal projects, and providing Canadians with environmental information.

## Legislative Mandate

The following legislation is administered by the department:

- Canada Water Act
- Canada Wildlife Act
- Canadian Environmental Assessment Act (not yet proclaimed)
- Canadian Environmental Protection Act
- Canadian Environment Week Act
- Department of the Environment Act
- Environmental Contaminants Act
- Game Export Act
- International River Improvements Act
- Lac Seul Conservation Act
- Lake of the Woods Control Board Act
- Migratory Birds Convention Act
- National Wildlife Week Act
- National Round Table on the Environment and the Economy Act (not yet proclaimed)
- Resources and Technical Surveys Act
- Weather Modification Information Act
- Wild Animal and Plant Protection Act and Regulation of International and Interprovincial Trade Act (not yet proclaimed)

## Administrative Arrangements

The department administers sections 36 to 42 of the Fisheries Act on behalf of the Department of Fisheries and Oceans. These provisions contain the general prohibition against deposit of any harmful or deleterious substance into waters frequented by fish and describe regulatory authorities, inspectors' powers, Ministerial powers, offences and penalties. Further, the department has an advisory role for the administration of other legislation for which other federal departments are responsible, but where scientific technical advice on environmental impacts is required. Examples of such legislation are the Motor Vehicle Safety Act, the Arctic Waters Pollution Prevention Act, the Northern Inland Waters Act, the Pest Control Products Act and the Transportation of Dangerous Goods Act.

## Initiatives for 1994

### Conservation and Protection

#### EC-1

#### Ozone-Depleting Substances – Amendments

Canada, as a party to the Montreal Protocol on Substances that Deplete the Ozone Layer, must take the necessary measures to fulfil its commitments vis-a-vis the Protocol.

To simplify the Canadian ozone-depleting substances regulations, existing regulations no. 1, no. 2 and no. 4 will be consolidated into one set of regulations. Amendments to the reduction schedules and phase out dates are also necessary because these schedules and dates were revised for chlorofluorocarbons, halons and 1,1,1-trichloroethane at the fourth meeting of the parties of the Montreal Protocol held in November 1992. Other chlorofluorocarbons and hydrobromofluorocarbons, now included in the Montreal Protocol, will also be added to the regulations.

In a second step, the consolidated regulations will be extended to include hydrochlorofluoro-carbons and methyl bromide, two other ozone-depleting substances that are now addressed by the Montreal Protocol.

Regulation no. 3 (products) will be amended to prohibit the imports of certain products containing ozone-depleting substances from non-parties to the Montreal Protocol, as required by the Protocol.

The amendments to the existing regulations no. 1, no. 2 and no. 4 will generate costs to industry. These costs are mainly due to ozone-depleting substances or are equipment replacement costs. These costs have been estimated to be between \$42 million and \$516 million depending on the success of ozone-depleting substance recycling efforts. The most significant health benefits resulting from reduced ozone layer depletion are: a reduction of over 86,000 cases of skin cancer, 1,294 of them being fatal; and a reduction of 22,900 cases of cataracts among Canadians. Other environmental benefits will also be accrued from reduced ozone layer depletion. There will not be additional administration costs to the federal government.

Costs and benefits of amending the consolidated regulations to control hydrochlorofluorocarbons and methyl bromide will be estimated and reported on in 1994.

Costs to industry or government resulting from the proposed amendment to regulation no. 3 are estimated to be close to zero because virtually all of



Canada's trading partners are parties to the Montreal Protocol. Benefits of implementing a requirement of the Montreal Protocol are significant as non-parties to the Montreal Protocol are subject to trade sanctions by parties.

**Classification:** Major (regulations no. 1, no. 2 and no. 4). Low cost (regulation no. 3)

**Status:** Regulations no. 1 and no. 2 appeared in the 1993 Regulatory Plan as initiative number EC-2. Regulations no. 3 and no. 4 are new initiatives.

**Contact:** B. Madé, Head, Ozone Protection Programs Section, Chemicals Control Division, Commercial Chemicals Branch, Conservation and Protection, Department of the Environment, Ottawa, Ontario, K1A 0H3.  
Tel. (819) 994-3249; Fax (819) 953-4936.

## EC-2

### **New Substances Notification Regulations – Amendment**

The Canadian Environmental Protection Act (CEPA) requires that all substances new to Canada be tested and the findings of the tests be reported to the Minister of the Environment and the Minister of Health before the substances are manufactured or imported. The assessment must conclude whether or not the substance is toxic or suspected of being toxic, and if it would require imposition of controls or prohibition.

These regulations were divided into three parts. Part I dealt with substances other than biotechnology products or polymers; Part II dealt with polymers. Parts I and II were published in the *Canada Gazette*, Part II, in 1993. Part III deals with information requirements associated with the manufacture or importation of biotechnology products.

Costs will be incurred by the industry to conduct various tests and report the findings of these tests which are needed by government officials to conduct the assessment. Government will incur costs to conduct the evaluation of the notifications and to administer the compliance program.

These regulations will benefit the Canadian population by reducing the risk of exposure of Canadians to toxic substances.

**Classification:** Major

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number EC-3.

**Contact:** L. Fedoruk, A/Head, Controls Development Section, Chemicals Control Division, Commercial Chemicals Branch, Conservation and Protection, Department of the Environment, Ottawa, Ontario, K1A 0H3.  
Tel. (819) 953-1671; Fax (819) 953-4936.

## EC-3

### **Masked-Names Regulations**

The Confidential Information Disclosure Regulations published in last year's plan included the proposed Masked-Names Regulations, made pursuant to paragraph 32(1)(i), and the proposed Confidential Information Regulations, made under section 22 of CEPA. Many comments received have indicated that it would be preferable if the department divided them into two different proposals. These regulations have a different purpose and scope of application; therefore, they were split to reflect this difference.

When the publication of the name of a substance published for the purpose of Part II of CEPA would result in the release of confidential business information, the possibility to mask it is provided within CEPA. The Masked-Names Regulations will set out criteria for masking the names of substances and ensure that the published masked name is sufficiently specific to enable the general identification of the substance while still preserving the confidentiality of its exact nature.

These regulations are administrative in nature and would apply to only a few annual requests, probably not more than 100, and the costs should not exceed \$500 each. These regulations will benefit the industry by protecting confidential business information.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number EC-4.

**Contact:** L. Fedoruk, A/Head, Controls Development Section, Chemicals Control Division, Commercial Chemicals Branch, Conservation and Protection, Department of the Environment, Ottawa, Ontario, K1A 0H3.  
Tel. (819) 953-1671; Fax (819) 953-4936.

## EC-4

### **Confidential Information Regulations**

The Confidential Information Disclosure Regulations published in last year's plan included the proposed Masked-Names Regulations, made pursuant to paragraph 32(1)(i), and the proposed Confidential Information Regulations, made under section 22 of CEPA. Many comments received have indicated that it would be preferable if the department divided the regulations into two different proposals. These regulations have a different purpose and scope of application; therefore, they were split to reflect this difference.

Part II of CEPA provides the Minister with the authority to gather and request information for the purpose of assessing whether the substance is toxic or is capable of becoming toxic, or for the purpose

of assessing the need for control measures. Any person who provides information to the Minister under Part II may ask that it be treated as confidential. The Confidential Information Regulations specify supplementary information that must accompany requests for confidentiality. These regulations are administrative in nature and would apply to only a few annual requests, probably not more than 100, and the costs should not exceed \$500 each. These regulations will benefit the industry by protecting confidential business information.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number EC-4.

**Contact:** L. Fedoruk, A/Head, Controls Development Section, Chemicals Control Division, Commercial Chemicals Branch, Conservation and Protection, Department of the Environment, Ottawa, Ontario, K1A 0H3.  
Tel. (819) 953-1671; Fax (819) 953-4936.

## EC-5

### PCB Regulations – Amendments

The PCB Regulations are intended to replace the existing Chlorobiphenyls Regulations. They will clarify prohibitions and exemptions of PCBs in any product manufactured in, or imported into, Canada. The amendments will also specify levels at which a product can be sold, used or disposed of.

The present value of total incremental cost over a period of 20 years is estimated at \$59 million. The PCB recovery is estimated at 680 kg, which should result in a reduction of toxic pollution of Canada's ecosystem.

**Classification:** Major

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number EC-5.

**Contact:** L. Fedoruk, A/Head, Controls Development Section, Chemicals Control Division, Commercial Chemicals Branch, Conservation and Protection, Department of the Environment, Ottawa, Ontario, K1A 0H3.  
Tel. (819) 953-1671; Fax (819) 953-4936.

## EC-6

### Hazardous Waste Management at Federal Facilities

An assessment will be carried out and the appropriate control option will be identified concerning the requirements of on-site and off-site management of hazardous waste. The control option will be consistent with provincial regulations governing the operations of the federal facilities as well as industries under jurisdiction. The control

option is needed to ensure that federal facilities are held accountable for their management of hazardous wastes.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** D. Campbell, Hazardous Waste Management Division, Office of Waste Management, Conservation and Protection, Department of the Environment, Ottawa, Ontario, K1A 0H3.  
Tel. (819) 953-1119; Fax (819) 997-3068.

## EC-7

### Experimental Spill Regulations

The Fisheries Act will be amended to permit the discharge of deleterious substances. Requirements for the experiments and substances to be discharged are included. The amendment and regulation will enable limited oil and chemical experimentation to improve countermeasures for spills. Costs are negligible.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number EC-8.

**Contact:** D. Thornton, Director, River Road Environmental Technology Centre, Technology Development Branch, Conservation and Protection, Department of the Environment, Ottawa, Ontario, K1A 0H3.  
Tel. (613) 991-9550; Fax (613) 998-0004.

## EC-8

### Federal Boiler Emission Guidelines – Regulations

This initiative will establish limits for the emission of nitrogen oxides (NOx), and possibly other pollutants, from larger new or modified boilers at federal facilities. This will be consistent with the overall plan developed by the Canadian Council of Ministers of the Environment (CCME) to control significant sources of NOx emissions in all sectors of the Canadian economy. These emissions contribute to higher-than-acceptable levels of ground level ozone ("SMOG"), which are recognized as a major threat to the health of Canadians.

The benefits of federal boiler NOx control must be considered in the national context. Boilers account for 20 per cent of stationary source NOx emissions nationally. Control of this source would therefore contribute to protecting the health of Canadians. Although NOx emissions from federally owned boilers are negligible compared with the national total, it is important that the federal government be in step with Canadian industry in reducing these emissions. The costs to the federal government are estimated at \$3 million annually.

**Classification:** Intermediate cost



**Status:** This initiative appeared in the 1991 Federal Regulatory Plan as initiative number 241-EC.

**Contact:** G. Ross, Industrial Programs Branch, Conservation and Protection, Department of the Environment, 351 St. Joseph Blvd., 10th Floor, Hull, Quebec, K1A 0H3.

Tel. (819) 997-1222; Fax (819) 953-8903.

#### EC-9

##### **Petroleum Refinery Liquid Effluent Regulations and Guidelines – Amendments**

This initiative will be undertaken to revise and update the existing regulations and guidelines to reflect changes in the industry, current analytical methodology, and increased emphasis on toxic chemicals. It is also intended to harmonize federal and provincial requirements. This harmonization should be addressed prior to dealing with the technical details related to the application and interpretation of the current regulations.

In 1988, the Department of the Environment conducted a comprehensive review of the regulations and guidelines. The review indicated that refineries were capable of discharging far less than allowed. It also found that the regulations were becoming difficult to apply due to changes in refinery technology.

Oil refineries in Canada are subject to federal regulations and guidelines, provincial regulations or permit systems, and, in some cases, municipal bylaws. The Canadian Petroleum Products Institute (CPPI) indicated that it would like to see this overlap removed by eliminating federal regulations where provincial regulations and permits achieve the same results. CPPI also indicated that the regulations are based on specific limits that, once met, do not encourage further reduction or elimination of regulated pollutants in effluents.

The intention is to replace the current federal regulations and guidelines with new federal regulations that would apply only in areas where provincial regulations are non-existent. This approach would eliminate overlap. Again, the general provisions of the Fisheries Act would be available to ensure protection of the fisheries. It would appear from discussions held at the consultative process that changes to the regulations should be considered. From an environmental perspective, there is a continuing need for a national standard for petroleum refinery effluent releases. At the same time, to improve the efficiency of regulating refinery effluents, the overlap with similar provincial regulations needs to be eliminated.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** R. White, Industrial Programs Branch, Conservation and Protection, Department of the Environment, 351 St. Joseph Blvd., 10th Floor, Hull, Quebec, K1A 0H3.

Tel. (819) 953-1120; Fax (819) 953-8903.

#### EC-10

##### **Fuels Information Regulation No. 1 – Amendment**

The purpose of this initiative is to revoke section 5 of the Fuels Information Regulation no. 1 made by Order in Council P.C. 1977-1973 of July 14, 1973.

This amendment deletes the requirement for information on additives in liquid fuels. The information on sulphur content of fuels obtained under the regulations serves to meet Canada's obligations under the Canada-United States Air Quality Accord, the Federal-Provincial Acid Rain Agreements, UN-ECE Protocol on the reduction of SO<sub>2</sub> emissions. In contrast, the requirement to report liquid fuel additives appears to generate information that serves no useful or clear purpose. Past experience has shown that the department does not need the data in all cases but only in certain specific cases. In these instances, section 18 of CEPA can be applied to obtain the required information. This initiative would therefore reduce the burden on industry by ceasing collection of data that serves no useful purpose.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** R. White, Industrial Programs Branch, Conservation and Protection, Department of the Environment, 351 St. Joseph Blvd., 10th Floor, Hull, Quebec, K1A 0H3.

Tel. (819) 953-1129; Fax (819) 953-8903.

#### EC-11

##### **Secondary Lead Smelter Release Regulations – Amendment**

The amendments to the regulations will ensure that, on a national basis, release of lead from secondary lead smelters does not pose any threat to the environment or to human life or health. Inspection and reporting requirements are expected to be more flexible by allowing the Minister to take into account a plant's operation and compliance performance. The amendments will correct minor errors and incorporate into the regulations the legal interpretations that have been made since it was "rolled over" under CEPA. Economic impact is negligible.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number EC-6.

**Contact:** L. Buffa, Chief, Mining, Mineral and Metallurgical Processes Division, Industrial Programs Branch, Conservation and Protection, Department of the Environment, Ottawa, Ontario, K1A 0H3. Tel. (819) 953-1103; Fax (819) 994-7762.

## EC-12

### **Storage Tank Systems Registration Regulations**

In recent years, most provinces have developed new technical and registration regulations for underground storage tank systems. The Department of the Environment is in the process of adopting the technical requirements of the Canadian Council of Ministers of the Environment's Code of Practice for Tank Systems Containing Petroleum Products or Allied Petroleum Products as the standard to follow on federal lands (via a CEPA section 53 non-mandatory guideline).

The purpose of this regulation is to register storage tank systems with the federal department which owns, leases or otherwise controls the federal land on which storage tank systems are located, to enable federal departments to manage their own tank systems and to monitor the management of their tenants' tanks; and the Department of the Environment to measure the progress in managing storage tank systems according to the technical requirements of the CEPA Section 53 guidelines. Compliance with the technical guidelines and the degree of environmental protection would be significantly improved if the Department of the Environment had the capability to identify non-compliance. This regulation should provide the Department of the Environment with the needed mandate.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** K. Karr, Industrial Programs Branch, Conservation and Protection, Department of the Environment, 351 St. Joseph Blvd., 10th Floor, Hull, Quebec, K1A 0H3. Tel. (819) 953-1125; Fax (819) 953-8903.

## EC-13

### **Chlor-Alkali Liquid Effluent Regulations – Amendment**

The amendment is in response to concerns raised by the Standing Joint Committee for the Scrutiny of Regulations (SJC). The concerns related to the section of the regulations that gave the Minister of the Environment ad hoc discretion. The clauses granting Ministerial discretion are being revoked and the definition of "effluent" is being amended. Economic impact is negligible.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** J.H. Prinsen, Chief, Chemical Industries Division, Industrial Programs Branch, Conservation and Protection, Department of the Environment, Ottawa, Ontario, K1A 0H3. Tel. (819) 997-3640; Fax (819) 953-5595.

## EC-14

### **Meat and Poultry Products Plant Liquid Effluent Regulations – Amendment**

The amendment is in response to concerns raised by the Standing Joint Committee for the Scrutiny of Regulations (SJC). The concerns related to the section of the regulations that gave the Minister of the Environment ad hoc discretion. The clauses granting Ministerial discretion are being revoked and the definition of "effluent" is being amended. Economic impact is negligible.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** J.H. Prinsen, Chief, Chemical Industries Division, Industrial Programs Branch, Conservation and Protection, Department of the Environment, Ottawa, Ontario, K1A 0H3. Tel. (819) 997-3640; Fax (819) 953-5595.

## EC-15

### **Potato Processing Plant Liquid Effluent Regulations – Amendment**

The amendment is in response to concerns raised by the Standing Joint Committee for the Scrutiny of Regulations (SJC). The concerns related to the section of the regulations that gave the Minister of the Environment ad hoc discretion. The clauses granting Ministerial discretion are being revoked and the definition of "effluent" is being amended. Economic impact is negligible.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** J.H. Prinsen, Chief, Chemical Industries Division, Industrial Programs Branch, Conservation and Protection, Department of the Environment, Ottawa, Ontario, K1A 0H3. Tel. (819) 997-3640; Fax (819) 953-5595.

## EC-16

### **Metal Mining Liquid Effluent Regulations – Amendment**

The amendment is in response to concerns raised by the Standing Joint Committee for the Scrutiny of Regulations (SJC). The concerns related to the section of the regulations that gave the Minister of the Environment ad hoc discretion. The clauses granting Ministerial discretion are being revoked and



other minor housekeeping amendments proposed. Economic impact is negligible.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** J.H. Prinsen, Chief, Chemical Industries Division, Industrial Programs Branch, Conservation and Protection, Department of the Environment, Ottawa, Ontario, K1A 0H3.  
Tel. (819) 997-3640; Fax (819) 953-5595.

## EC-17

### **Environmental Protection Boards of Review Rules**

The Canadian Environmental Protection Act provides authority for the Minister of the Environment acting alone, or jointly with the Minister of Health, to make procedural rules for the operation of review boards. The rules govern matters such as notices of hearings, appearance notices, submissions of written briefs, pre-hearing conferences, evidence, confidentiality of documents and public access to the hearing process and to evidence submitted.

The monetary benefits and costs are difficult to calculate, as it is not possible to predict how many review boards will be held, how many board members will be appointed, and how frequently interim costs will be requested and awarded. There will be a definite benefit to the public, who will have a clear understanding of the procedures and requirements related to review boards.

**Classification:** Low cost to intermediate cost

**Status:** This initiative appeared in the 1991 Federal Regulatory Plan as initiative number 245-EC.

**Contact:** A. Sheffield, Regulatory Affairs and Program Integration Branch, Conservation and Protection, Department of the Environment, 10th Floor, 351 St. Joseph Boulevard, Hull, Quebec, K1A 0H3.

Tel. (819) 953-1172; Fax (819) 953-9542.

## EC-18

### **Migratory Birds – Annual Game Bird Hunting**

The Migratory Birds Regulations are amended annually to take into account calendar and other necessary adjustments to season dates, hunting areas, species limitations and bag and possession limits. Non-toxic shot hunting zones are also designated as required to address concerns about potential poisoning of waterfowl by lead shot pellets which remain in wetlands after the annual hunting season ends. Adequate population levels of migratory game birds must be maintained so that species do not become threatened or endangered

and the annual migratory game bird hunting season can continue.

According to estimates based on the 1987 Statistics Canada national survey on the importance of wildlife to Canadians, migratory bird populations generated over \$200 million of annual direct benefits to Canadian participants in recreational waterfowl-related activities. In addition, the \$1.1 billion in expenditures associated with recreational use of migratory birds generated considerable indirect economic benefits. It was estimated that they contributed \$1.4 billion to the gross domestic product and sustained almost 34,000 jobs. Federal and provincial revenue from taxes derived from these activities was estimated at \$533 million.

Time constraints necessitate an annual request for exemption from prepublication in Part I of the *Canada Gazette*.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number EC-10.

**Contact:** Lisa Quiring, Regulatory Analyst, Migratory Birds and Wildlife Conservation Branch, Canadian Wildlife Service, Department of the Environment, Ottawa, Ontario, K1A 0H3.

Tel. (819) 997-1272; Fax (819) 953-6283.

## EC-19

### **Migratory Birds, Migratory Bird Sanctuary and Wildlife Area Regulations – General**

As part of a government-wide initiative beginning in 1992, the Department of the Environment undertook a review of its other regulations to improve Canada's competitiveness and environmental sustainability. As a result of this review and of a previous review initiated by the Canadian Wildlife Service, amendments will be made to these regulations. The amendments will also respond to concerns raised by the Standing Joint Committee for the Scrutiny of Regulations.

There is clear economic gain to Canadians and to government as a result of protecting migratory birds and some of the areas important for their breeding and survival. The economic impact of recreational activity associated with all types of terrestrial wildlife, not just migratory waterfowl, is even more substantial: a contribution of \$6.5 billion to the gross domestic product, \$2.5 billion in government revenue from taxes, and 159,000 jobs, which represents \$3.7 billion in personal income for Canadians. These economic benefits are conservative and do not attempt to quantify the many other benefits of migratory birds as intrinsically

important components of ecosystems or their social, cultural, and emotional importance to Canadians. Changes that are simple and non-controversial will be made, such as correcting archaisms. Consultation on the preliminary findings and recommendations resulting from the review are ongoing, and the process to effect recommended changes has been initiated and will continue over the next few years.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiatives number EC-11, EC-15, and EC-18.

**Contact:** Lisa Quiring, Regulatory Analyst, Migratory Birds and Wildlife Conservation Branch, Canadian Wildlife Service, Department of the Environment, Ottawa, Ontario, K1A 0H3.  
Tel. (819) 997-1272; Fax (819) 953-6283.

## EC-20

### **Wildlife Area Regulations – Establishment or Change to Boundaries of National Wildlife Areas**

The Wildlife Area Regulations will be amended to establish the following National Wildlife Areas (NWAs): Porto-bello Creek (New Brunswick), Last Mountain Lake (Saskatchewan), CFB Suffield (Alberta), Coburg Island (Northwest Territories), and Nisutlin Delta River (the Yukon Territory). In addition, the regulations will be amended to change the boundaries of the following NWAs: in Quebec, to enlarge Cap Tourmente, Pointe de l'Est, Lake St-François, and Pointe-au-Père, and to reduce Îles de la Paix; and in New Brunswick, to enlarge Shepody. Other NWAs, not listed, may be designated or their boundaries changed through amendments. The amendments will also respond to specific requirements for managing and protecting some NWAs. The amendments will serve to conserve key habitat for migratory birds (and other species) and, in one case, dispose of an inappropriate portion of an area.

The benefits of protected status for migratory birds, other wildlife, and habitat are significant for Canada. NWAs, like other protected areas, also play an important educational role in making Canadians aware of their natural heritage and instilling respect for the ecosystems on which all life depends. Protected areas are also of importance in Canada and internationally in terms of both tourism and prestige. Benefits also accrue locally. Significant economic opportunities for local service-related businesses can result from National Wildlife Areas.

**Classification:** Low cost

**Status:** This is a new initiative except for the Last Mountain Lake initiative, which appeared in the 1993 Regulatory Plan as initiative number EC-17.

**Contact:** Lisa Quiring, Regulatory Analyst, Migratory Birds and Wildlife Conservation Branch, Canadian Wildlife Service, Department of the Environment, Ottawa, Ontario, K1A 0H3.  
Tel. (819) 997-1272; Fax (819) 953-6283.

## **Federal Environmental Assessment Review Office**

### EC-21

#### **Exclusion List**

The Exclusion List will identify projects or classes of projects that will be exempt from the Canadian Environmental Assessment Act (CEAA) because such projects or classes of projects are considered to have insignificant environmental effects. The benefits of this regulation can be described in terms of reduced costs and more rapid decision making for projects falling within these classes.

Because the regulation will exclude projects that have insignificant environmental effects, it will bear no quantifiable costs to the economy or the environment. The benefit associated with the regulation is a better allocation of available funds to projects that may pose a higher risk to the environment. Although the project classes have been carefully examined, the possibility remains that unmitigated environmental damages will occur from projects proceeding without any federal environmental assessment. However, for each federal project class named, the resulting environmental damages will not represent a greater cost to Canadian society than the extra burden of screening a large number of additional projects with insignificant environmental risk.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number EC-38.

**Contact:** Stephen Hazell, Director, Legislation and Regulatory Affairs, Federal Environmental Assessment Review Office, 200 Sacré-Coeur Boulevard, 14th Floor, Fontaine Building, Ottawa, Ontario, K1A 0H3.  
Tel. (819) 953-7708; Fax (819) 994-1469.

### EC-22

#### **Inclusion List**

The Inclusion List will list the physical activities, not relating to a physical work, that will be subject to the CEAA process. The costs are primarily associated with possible delays in decision making as well as



actual costs incurred and the creation of additional uncertainties as to whether a given activity will ultimately be approved. The benefits are measured in terms of environmental damages that are avoided, whether through mitigation or the withholding of permits and approvals that would allow a project to be carried out.

An extensive evaluation of the impacts of the proposed Law List regulation on the economy and the well-being of Canadians as a whole was undertaken. The evaluation examined all relevant social benefits and costs – not just economic impacts – that are likely to be attributable to the regulations. Since the results of the Law List's benefit-cost analysis include all the provisions on the Inclusion List, a separate compilation of the Inclusion List's benefits and costs would simply not be feasible and would duplicate the analysis and results already obtained.

The Inclusion List regulation under the CEAA will have a narrower application than the EARP Guidelines Order which, as interpreted by the courts, applied to a vast array of physical activities. It is certain therefore that the administrative costs associated with the Inclusion List will be less than they would be under the EARP Guidelines Order. It should be recognized, however, that the EARP process has not been fully applied pursuant to the recent court decisions, as the scope of the new CEAA was already becoming clear. Defining the activities that are subject to the Act creates greater certainty than under the EARP process.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative EC-39.

**Contact:** Stephen Hazell, Director, Legislation and Regulatory Affairs, Federal Environmental Assessment Review Office, 200 Sacré-Coeur Boulevard, 14th Floor, Fontaine Building, Ottawa, Ontario, K1A 0H3.  
Tel. (819) 953-7708; Fax (819) 994-1469.

## EC-23

### **Statutory and Regulatory Provisions List (Law List)**

This regulation will define those powers, duties and functions of specified statutory and regulatory provisions, the exercise of which will require an environmental assessment. The regulation will also specify those Governor-in-Council approvals for which an assessment will be required. If projects that require a federal approval or a permit that is described in provisions of acts and regulations listed on the Law List are in relation to a physical work, they must be assessed unless they are on the

Exclusion List. Provisions on the Law List that regulate physical activities not in relation to a physical work must be assessed only if they are on the Inclusion List. The assessment is carried out by the federal department or agency designated as the responsible authority or by the proponent (which is often a province) seeking an approval from a responsible authority.

In the case of the Law List provisions, an effort has been made to evaluate the net benefits of including the most important provisions on the List. Four case studies were conducted for provisions representing different categories of environmental effects. Although lack of data complicated these analyses, the case studies served to identify some potential benefits for the provisions that have been retained.

**Classification:** Major

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number EC-41.

**Contact:** Stephen Hazell, Director, Legislation and Regulatory Affairs, Federal Environmental Assessment Review Office, 200 Sacré-Coeur Boulevard, 14th Floor, Fontaine Building, Ottawa, Ontario, K1A 0H3.  
Tel. (819) 953-7708; Fax (819) 994-1469.

## EC-24

### **Comprehensive Study List**

The Comprehensive Study List (CSL) is slightly different in nature from the previous three regulations. This regulation will require that named project classes for which an assessment is required proceed immediately (without a screening step) to a more detailed study. Past experience with the projects of the types named indicates that significant environmental effects are likely.

It is expected that the requirement for specific classes of projects to undergo comprehensive study will reduce administrative costs by avoiding the need for panel review or mediation because of the more rigorous characteristics of the process.

It is possible that projects included on the CSL may be found to have environmental effects that are not significant, and therefore a screening might have sufficed. Thus, adding a provision to these three lists may mean that more intensive assessments will be conducted, resulting in greater budgetary resource requirements by government agencies and private sector proponents for the conduct of environmental assessments. The comprehensive study requirement may lead proponents of some projects to alter their plans. The regulation may be perceived to involve additional costs or delays as proponents grow accustomed to considering environmental issues in their planning. Great care has been taken,

consistent with the advice of the Regulatory Advisory Committee, to include only those types of projects that would have required more extensive study in any event.

For project classes on the CSL, federal responsible authorities will be able to make more informed decisions based on more complete information and obviate the need for or facilitate any potential public review.

The regulation will, in the long term, result in positive net benefits.

**Classification:** Major

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number EC-40.

**Contact:** Stephen Hazell, Director, Legislation and Regulatory Affairs, Federal Environmental Assessment Review Office, 200 Sacré-Coeur Boulevard, 14th Floor, Fontaine Building, Ottawa, Ontario, K1A 0H3.

Tel. (819) 953-7708; Fax (819) 994-1469.

## EC-25

### **Crown Corporations and Harbour Commissions**

These regulations will set out the manner of conducting an environmental assessments of, and follow-up programs for, projects for which a Crown corporation within the meaning of the Financial Administration Act and majority-owned subsidiaries and harbour commissions are responsible.

The regulations will contain provisions allowing flexibility in the process, including the use of relevant provincial, territorial or other processes. The regulations will be developed specifically to take into account the particular commercial and competitive circumstances of the Crown corporation or harbour commissions.

The objectives of this initiative are to avoid duplication, and undue interference with the competitiveness of corporations, while respecting the principles of the Canadian Environmental Assessment Act. The regulations will be sensitive to the international trade aspects of projects, will respect the sovereignty of recipient states, and will be consistent with the principles and practice of international law.

This regulation may result in environmental assessment administration costs to Crown corporations and harbour commissions higher than would be incurred if the regulation were not promulgated. The regulation also could affect the competitiveness of commercial Crown corporations. Benefits of the regulation may include better decisions about projects from environmental and economic perspectives.

**Classification:** Major

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number EC-42.

**Contact:** Stephen Hazell, Director, Legislation and Regulatory Affairs, Federal Environmental Assessment Review Office, 200 Sacré-Coeur Boulevard, 14th Floor, Fontaine Building, Ottawa, Ontario, K1A 0H3.

Tel. (819) 953-7708; Fax (819) 994-1469.

## EC-26

### **Indian Reserve Lands/Indian Band Funding**

This regulation will adapt the environmental assessment process for projects to be carried out on Indian reserves surrendered or other lands that are vested in Her Majesty and subject to the Indian Act. The regulation will also set out the manner of conducting an environmental assessment of, and follow-up programs for, a project for which a person or body receives financial assistance from a federal authority to carry out a project on an Indian reserve.

The regulation will ensure that First Nations have authority to conduct environmental assessments of projects to be carried out on Indian Reserves where First Nations are the primary decision makers and also where federal financial assistance is being provided for the benefit of an Indian band. As a result, First Nations will not be placed at a competitive disadvantage, and duplication of process with other jurisdictions will be minimized.

This regulation may result in environmental assessment administration costs to First Nations higher than would be incurred if the regulation were not promulgated. These higher costs are likely to be balanced, at least in part, by lower costs incurred by federal authorities for similar functions. Benefits of the regulation may include better decisions by First Nations about projects from environmental and economic perspectives. Another benefit of the regulation may be a greater sense of empowerment among First Nations with respect to projects affecting them.

**Classification:** Major

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number EC-43.

**Contact:** Stephen Hazell, Director, Legislation and Regulatory Affairs, Federal Environmental Assessment Review Office, 200 Sacré-Coeur Boulevard, 14th Floor, Fontaine Building, Ottawa, Ontario, K1A 0H3.

Tel. (819) 953-7708; Fax (819) 994-1469.

## EC-27

### **Projects Outside Canada**

This regulation will adapt the federal environmental assessment process for projects to be undertaken



outside Canada and on any federal lands, projects to be carried out under international development assistance programs and projects to be carried out under international agreements or arrangements entered into by the Government of Canada or a federal authority.

The regulation will ensure that projects outside Canada, international development assistance projects, and projects under international agreements and arrangements comply with the principles of the Act. At the same time, the regulation will ensure that the sovereignty of foreign states is respected, that assessments are conducted in accordance with the principles and practice of international law, and that environmental assessment procedures suit conditions present in foreign states.

Given that CEAA applies to projects outside Canada in the absence of a regulation, environmental assessment costs incurred by federal authorities are not likely to be higher if the regulation is promulgated. Such costs may be lower since the regulation may limit the legal responsibilities of responsible authorities to carry out certain elements of the environmental assessment process under CEAA. Benefits of the regulation may include better decisions by responsible authorities about projects from environmental and economic perspectives.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiatives number EC-46, EC-48 and EC-49.

**Contact:** Martin Green, Director General, External Relations, Federal Environmental Assessment Review Office, 200 Sacré-Coeur Boulevard, 14th Floor, Fontaine Building, Ottawa, Ontario, K1A 0H3.

Tel. (819) 953-7708; Fax (819) 994-1469.

## EC-28

### Offshore Boards

This regulation will adapt the federal environmental assessment process to projects carried out by offshore boards which are established jointly under federal and provincial law. This regulation will ensure that projects carried out by offshore boards comply with the principles of the Act.

This regulation may result in environmental assessment administration costs to offshore boards that are higher than would be incurred if the regulation were not promulgated. The key benefit of the regulation is that regulatory decisions of offshore boards with respect to offshore oil and gas projects would be subject to CEAA. The regulation should also lead to better decisions by the offshore boards

about projects from environmental and economic perspectives.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number EC-47.

**Contact:** Stephen Hazell, Director, Legislation and Regulatory Affairs, Federal Environmental Assessment Review Office, 200 Sacré-Coeur Boulevard, 14th Floor, Fontaine Building, Ottawa, Ontario, K1A 0H3.

Tel. (819) 953-7708; Fax (819) 994-1469.

## EC-29

### Minimal Federal Involvement

The regulation will set out projects or classes of projects for which an environmental assessment is not required because of the responsible authority's minimum contribution to the project. The regulation will ensure more effective use of federal resources devoted to environmental assessment and avoid duplication of environmental assessment processes and undue delays for projects having minimal federal involvement.

The key benefit of this regulation is to reduce the environmental assessment administration costs for projects where the federal contribution is minimal. Small additional administration costs associated with determining if the regulation applies may be incurred. In addition, there may be environmental costs resulting from the lack of an environmental assessment because of the application of the regulation.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number EC-50.

**Contact:** Stephen Hazell, Director, Legislation and Regulatory Affairs, Federal Environmental Assessment Review Office, 200 Sacré-Coeur Boulevard, 14th Floor, Fontaine Building, Ottawa, Ontario, K1A 0H3.

Tel. (819) 953-7708; Fax (819) 994-1469.

## EC-30

### National Security (Exclusion List)

Certain projects and classes of projects may be excluded from CEAA for reasons of national security. To that end, an "exclusion list" of projects or classes of projects that will not be subject to the environmental assessment process is being created where an environmental assessment would be inappropriate for reasons of national security. This "exclusion list" is being developed in collaboration with the Department of National Defence.

Because the regulation excludes projects where an environmental assessment would be inappropriate for

reasons of national security, it is possible that some projects may be found to have significant environmental effects. The benefits of the regulation are a better allocation of available funds to projects that may pose a higher risk to the environment and benefits associated with national security measures.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Stephen Hazell, Director, Legislation and Regulatory Affairs, Federal Environmental Assessment Review Office, 200 Sacré-Coeur Boulevard, 14th Floor, Fontaine Building, Ottawa, Ontario, K1A 0H3.

Tel. (819) 953-7708; Fax (819) 994-1469.

## EC-31

### Procedural Regulations

Procedural regulations for responsible authorities are in the process of being developed. Authority for such a regulation is found in ss. 59(a) (m) and (n) of CEAA. These regulations may encompass the scope of a project, list expert departments, give guidance to responsible authorities on screenings, comprehensive studies, mediation and panel reviews.

This regulation will have insignificant environmental effects and it will bear no quantifiable costs to the economy or the environment. Benefits of the regulation may include better decisions by responsible authorities about projects from environmental and economic perspectives.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Stephen Hazell, Director, Legislation and Regulatory Affairs, Federal Environmental Assessment Review Office, 200 Sacré-Coeur Boulevard, 14th Floor, Fontaine Building, Ottawa, Ontario, K1A 0H3.

Tel. (819) 953-7708; Fax (819) 994-1469.

## Policy and Communications

## EC-32

### Environmental Choice Program Fees

Since its inception in 1988, the Environmental Choice Program has been operating with an interim fee structure. The fees are payable by any business or authorized user who wishes to obtain a licence providing the right to display the "Ecologo" label on a certified product or service.

At this time, the program wishes to regulate its fee structure. The draft regulation outlines a tiered fee structure. A round of informal consultations on the

draft regulation is scheduled to occur before publishing the regulation in the *Canada Gazette*.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number EC-51.

**Contact:** John Polak, Director, Environmental Choice Program, Policy and Communications, Department of the Environment, Ottawa, Ontario, K1A 0H3.

Tel. (613) 952-9464; Fax (613) 952-9465.

## Corporate Services

## EC-33

### Fees and Charges for Special Services

By Ministerial order, the Minister of the Environment will prescribe new fees and increase existing fees and charges paid by persons obtaining special meteorological services, water and land data services, and the use of special facilities provided by the department. These changes are due to the increases in the costs of providing these services as well as the inclusion of new services.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number EC-52.

**Contact:** Harold Humber, Director, Resource Management Branch, Corporate Services, Department of the Environment, Ottawa, Ontario, K1A 0H3.

Tel. (819) 997-1405; Fax (819) 953-2459.

## Future Initiatives

### Ocean Dumping Regulations Amendments – Phase II

Amendments to the regulations are a Green Plan initiative. Phase I amendments to the forms and fees schedule for permits are now complete. Phase II amendments will bring an effects-based approach to evaluation of wastes proposed for ocean disposal. The effects-based approach will include a revision of the current chemical rejection limits to include sediment quality guidelines and marine sediment bioassays. Consideration is being given to charging a permit fee based on volume disposed of and recovering this fee to support disposed site monitoring and similar work. A socio-economic analysis is required prior to proceeding with any permit fee. Initial consultations on ocean disposal began in the fall of 1993 and will continue in the form of regional meetings with stakeholders, all clients, other government departments and



environmental groups. It is anticipated that these amendments will be published in Part I of the *Canada Gazette* in December 1995 and completed by June 1996. These are minor regulations with an impact of less than \$50 million.

**Contact:** Jim Osborne, Head, Ocean Dumping and Shellfish, Marine Environment Division, Office of Waste Management, Conservation and Protection, Department of the Environment, Ottawa, Ontario, K1A 0H3.

Tel. (819) 953-2264; Fax. (819) 953-0913.

### **Metal Mining Liquid Effluent Regulations – Amendments**

These regulations (SOR/77-178) were issued in 1977 under the Fisheries Act to protect fish, fish habitat and the use of fish. They set authorized limits for five metals plus radium, suspended solids and PH in metal mine/mill effluents discharged to waters used by fish. They do not apply to gold mines using the cyanidation process.

The regulations will be updated and strengthened. Activities have been initiated which will identify short- and long-term measures (review of effects of mine effluents on the environment, environmental effects monitoring scientific/technological research, regulatory amendments, etc.) that can be taken by the Department of the Environment to meet the Green Plan commitment.

Other government departments, the provinces, the mining industry, environmental groups, and other interested parties will be included in the consultation process.

**Contact:** L. Buffa, Chief, Mining, Mineral and Metallurgical Processes Division, Industrial Programs Branch, Conservation and Protection, Department of the Environment, Ottawa, Ontario, K1A 0H3.

Tel. (819) 953-1103; Fax (819) 994-7762.

### **Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Regulations – New Regulations**

The existing regulatory regime under the Export and Import Permits Act will be revoked and replaced with new regulations to be developed under the provisions of the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act (WAPPRIITA). These new regulations will incorporate the permit requirements of the Convention on International Trade in Endangered Species of Wild Fauna and Flora. Other elements of the regulatory package are to be developed in response to the new provisions of WAPPRIITA. On December 17, 1992, WAPPRIITA received Royal Assent. However, regulations must be made before

the Act can be proclaimed and enter into force as a law of Canada.

The new Act, once proclaimed, will protect Canadian and foreign wildlife species from illegal trade. It will also protect Canadian ecosystems against the introduction of harmful species. These objectives will be reached through the new regulations which will control trade in wildlife.

There is no substitute for the regulations. Public consultation to develop the regulations began in June 1993 with the mailing of a comprehensive "Regulatory Options" document. Draft regulations, which will have been developed in consideration of the responses received from the mailing, will be provided to the provinces and territories for comment before a final set of regulations is made in 1995.

**Contact:** Lisa Quiring, Regulatory Analyst, Migratory Birds and Wildlife Conservation Branch, Canadian Wildlife Service, Department of the Environment, Ottawa, Ontario, K1A 0H3.

Tel. (819) 997-1272; Fax (819) 953-6283.

### **Migratory Bird Sanctuary Regulations – Establishment or Change to Boundaries of Migratory Bird Sanctuaries**

The Migratory Bird Sanctuary Regulations will be amended to establish a Migratory Bird Sanctuary (MBS) at Murre Rock in Quebec. The following MBSs will have amendments made to their boundaries or to activities allowed: Kendall Island (Northwest Territories); and Montmagny, Watshishou and Île Carillon (Quebec). Other MBSs will be revoked: Île St-Ours, Kamouraska Island, Îles Pèlerins, Îles du Pot à l'eau-de-vie, Ile aux Fraises, and Île Blanche (Quebec); Fielding, Young Lake and Guelph (Ontario); and Cape Dorset (Northwest Territories). Other amendments involving MBSs, not listed, may be similarly made. The amendments will also respond to specific requirements for managing and protecting some MBSs.

There is no alternative to regulation for setting aside and protecting key habitat for migratory birds. Once established, MBSs are reviewed to ensure that they still warrant sanctuary status. Some of the amendments are a result of these reviews. Any non-appropriate portions of the MBSs will be considered for exchanges, transfers, or other measures, so that there is no overall reduction to the habitat community. Consultation through public meetings, news releases, and publications, among other means, will generally involve land owners, government, local residents, wildlife and conservation groups, aboriginal organizations, media, and any other interested parties.

**Contact:** Lisa Quiring, Regulatory Analyst, Migratory Birds and Wildlife Conservation Branch, Canadian Wildlife Service, Department of the Environment, Ottawa, Ontario, K1A 0H3.  
Tel. (819) 997-1272; Fax (819) 953-6283.

### **Wildlife Area Regulations – Establishment or Change to Boundaries of National Wildlife Areas in Future**

The Wildlife Area Regulations will be amended to establish a National Wildlife Area (NWA) at Isabella Bay (Northwest Territories) and enlarge the following NWAs: Cap Tourmente, Iles de Contrecoeur, Baie de l'Île Verte and Îles de l'Estuaire (Quebec), and Tintamarre (New Brunswick). Other NWAs, not listed, may be designated or their boundaries changed through amendments. The amendments will also respond to specific requirements for managing and protecting some NWAs.

There is no alternative to regulation for setting aside and protecting key habitat for migratory birds and other wildlife. Consultation through public meetings, news releases, and publications, among other means, will generally involve government, local residents, wildlife and conservation groups, aboriginal organizations, media and any other interested parties.

**Contact:** Lisa Quiring, Regulatory Analyst, Migratory Birds and Wildlife Conservation Branch, Canadian Wildlife Service, Department of the Environment, Ottawa, Ontario, K1A 0H3.  
Tel. (819) 997-1272; Fax (819) 953-6283.



## **External Affairs, Department of**

This department is now part of Foreign Affairs and International Trade.

# Finance, Department of

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## General Information

### Roles and Responsibilities

The Department of Finance operates under Sections 14-16 of the Financial Administration Act which provides the Minister with the broad responsibility for the management of the Consolidated Revenue Fund and the supervision, control and direction of all matters relating to the financial affairs of Canada not by law assigned to the Treasury Board or to any other Minister.

The Department of Finance is the central agency of the federal government responsible for advice on the economic and financial affairs of Canada. It is concerned with all aspects of the performance of the Canadian economy. It oversees all government actions affecting the economy to ensure harmony, follows the development of external factors that bear on domestic economic performance, and examines

the economic actions taken by other orders of government.

The department's most visible output is the federal budget. The budget speech provides an authoritative review of past, present and future economic factors that will affect the country's economic performance and the nation's finances. This document reviews the government's accounts and presents its fiscal projections. These include the government's expenditure program, revenues from existing sources, taxation changes and debt levels.

### Legislative Mandate

The Department of Finance is wholly or partly responsible for administering the following Acts:

- Bank Act
- Bank of Canada Act
- Bills of Exchange Act
- Bretton Woods and Related Agreements Act
- Canada Deposit Insurance Corporation Act
- Canada Development Corporation Reorganization Act
- Canada-Nova Scotia Offshore Petroleum Resources Accord
- Implementation Act
- Canada Pension Plan Act
- Canada Student Loans Act
- Canadian International Trade Tribunal Act
- Canadian Payments Association Act
- Canadian Wheat Board Act
- Cooperative Credit Association Act
- Currency Act
- Customs and Excise Offshore Application Act
- Customs Tariff
- Debt Servicing and Reduction Account Act
- Diplomatic Service (Special) Superannuation Act
- European Bank for Reconstruction and Development Agreement Act
- Excise Act
- Excise Tax Act
- Farm Improvement and Marketing Cooperatives Loans Act
- Farm Income Protection Act
- Federal Business Development Bank Act
- Federal-Provincial Fiscal Revision Act
- Federal-Provincial Fiscal Arrangements and Federal Post-Secondary Education and Health Contributions Act
- Financial Administration Act
- Fisheries Improvement Loans Act
- Garnishment, Attachment and Pension Diversion Act
- Income Tax Act
- Income Tax Conventions Interpretation Act
- Insurance Companies Act
- Interest Act

- International Development (Financial Institutions) Assistance Act
- Maritime Provinces Additional Subsidies Act
- Members of Parliament Retiring Allowances Act
- Newfoundland Additional Financial Assistance Act
- Office of the Superintendent of Financial Institutions Act
- Pension Benefits Standards, 1985 Act
- Prince Edward Island Subsidy Act
- Proceeds of Crime (Money Laundering) Act
- Provincial Subsidies Act
- Public Service Superannuation Act
- Public Utilities Income Tax Transfer Act
- Small Business Loans Act
- Special Import Measures Act
- Spending Control Act
- St. Lawrence Seaway Authority Act
- Supplementary Retirement Benefits Act
- Trust and Loan Companies Act

## Initiatives for 1994

### International Trade and Finance Branch

#### FIN-1

#### Temporary Reduction, Removal or Drawback of Customs Duties

In response to requests from Canadian manufacturers, tariff rates on inputs to manufacturing processes are sometimes temporarily reduced or eliminated when like or substitutable products are not available from Canadian production. These rate reductions are introduced through amendments to the Customs Duties Reduction or Removal Order, 1988, the Chemicals and Plastics Duties Reduction or Removal Order, 1988 and Schedule V to the Customs Tariff. These Orders are amended from time to time to extend the duty relief period or to restore the statutory tariff rates.

Tariff reductions on inputs strengthen Canadian manufacturing capacity by assisting Canadian manufacturers to compete more effectively in the domestic market against imports from other countries. Because such action could affect the tariff protection afforded Canadian producers, it is only taken after carefully considering the costs and benefits of the tariff reduction on the beneficiaries and on other Canadian producers.

**Classification:** Intermediate cost

**Status:** This is a recurring initiative.

**Contact:** Patricia M. Close, Director, Tariffs Division, International Trade and Finance Branch, Department

of Finance, Ottawa, Ontario, K1A 0G5.  
Tel. (613) 992-6881; Fax (613) 995-3843.

#### FIN-2

#### Sports Equipment

The Customs Tariff provides duty-free entry of sports equipment unavailable from Canadian producers, which meets international competition standards and is certified by the Sports Federation of Canada as being required by athletes in training for, or competing in, international competitions. Orders made under this authority add products to the list of goods qualifying for duty-free entry.

The duty-free entry of sports equipment meeting international standards assists Canadian athletes in training for, or competing in, international amateur competitions. The interests of Canadian manufacturers are also protected since equipment allowed duty-free entry is not generally available from Canadian production.

**Classification:** Low cost

**Status:** This is a recurring initiative.

**Contact:** Patricia M. Close, Director, Tariffs Division, International Trade and Finance Branch, Department of Finance, Ottawa, Ontario, K1A 0G5.  
Tel. (613) 992-6881; Fax (613) 995-3843.

#### FIN-3

#### Goods for Disabled Persons

The Customs Tariff provides duty-free entry for goods specifically designed for the use of disabled persons. The goods qualifying for free entry are designated by the Governor in Council when comparable goods are not available from producers in Canada. Orders made under this authority add products to the list of goods qualifying for duty-free entry.

The provision of duty-free entry of goods for disabled persons by Order in Council provides flexibility in responding to the needs of disabled persons while, at the same time, providing adequate protection for Canadian manufacturers. Before a recommendation is made to Council, full consultation is carried out with those who could be affected by a change in tariff rates.

**Classification:** Low cost

**Status:** This is a recurring initiative.

**Contact:** Patricia M. Close, Director, Tariffs Division, International Trade and Finance Branch, Department of Finance, Ottawa, Ontario, K1A 0G5.  
Tel. (613) 992-6881; Fax (613) 995-3843.



## FIN-4

**Tariff Treatment – Rules of Origin**

Rules of origin determine the country of origin of goods and hence the level of tariff treatment applicable to those goods. Amendments could be made to the following Regulations in 1994: the General Preferential Tariff and Least Developed Developing Countries Rules of Origin Regulations, the British Preferential Tariff and Most-Favoured-Nation Tariff Rules of Origin Regulations, the New Zealand and Australia Rules of Origin Regulations, the Caribbean Rules of Origin Regulations, the United States Tariff Rules of Origin Regulations, and United States Rules of Origin for Casual Goods Regulations. As well, the adoption of the North American Free Trade Agreement will require the introduction of new rules of origin.

Rules of Origin are made to benefit Canada's trade interests. Proposed amendments would be made following consultation with Canadian industry and importers.

**Classification:** Major

**Status:** This is a recurring initiative.

**Contact:** Patricia M. Close, Director, Tariffs Division, International Trade and Finance Branch, Department of Finance, Ottawa, Ontario, K1A 0G5.  
Tel. (613) 992-6881; Fax (613) 995-3843.

## FIN-5

**General Preferential Tariff Orders**

Canada provides a system of preferential tariff rates for developing countries referred to as the General Preferential Tariff (GPT), as well as special duty-free entry for the least developed developing countries.

On occasion, it becomes necessary to withdraw such preferences, particularly when Canadian manufacturers are injured by imports into Canada under the reduced rates. Normally, recommendations for withdrawal are made following public hearings and a report by the Canadian International Trade Tribunal which is tabled in the House of Commons. Alternatively, the GPT regime may be modified either in relation to rates of duty, product coverage or country coverage.

Withdrawal of preferential rates of duty alleviates the injury incurred by domestic industry. Expansion of the preferences satisfies Canada's international commitment to help promote trade from developing countries.

**Classification:** Intermediate cost to major

**Status:** This is a recurring initiative.

**Contact:** Patricia M. Close, Director, Tariffs Division, International Trade and Finance Branch, Department of Finance, Ottawa, Ontario, K1A 0G5.  
Tel. (613) 992-6881; Fax (613) 995-3843.

## FIN-6

**The General Agreement on Tariffs and Trade and Other Trade Agreements**

Under certain circumstances, recommendations are made by the Minister of Finance and the Minister of Foreign Affairs to the Governor in Council to modify tariff rates on imported products in response to domestic or international situations where Canada's rights or obligations under the General Agreement on Tariffs and Trade (GATT), the Canada-U.S. Free Trade Agreement (FTA) or other trade agreements are involved. Regulations under these authorities are usually made in response to international trade situations that occasionally arise and which may not be known in advance. Recommendations to the Governor in Council involve either urgent domestic situations, e.g. surtaxes or retaliatory response to actions by other countries which negatively affect Canadian exports, or reductions in tariff rates which have been negotiated with our trading partners (as in the context of the current round of multilateral trade negotiations) and which may, in some instances, need to be implemented within a short time.

The modification of tariff rates under GATT, the FTA or other trade agreements are largely undertaken in order to benefit and protect Canada's trading interests.

**Classification:** Intermediate cost to major

**Status:** This is a recurring initiative.

**Contact:** Patricia M. Close, Director, Tariffs Division, International Trade and Finance Branch, Department of Finance, Ottawa, Ontario, K1A 0G5.  
Tel. (613) 992-6881; Fax (613) 995-3843.

## FIN-7

**Preferential Tariff Treatment for Caribbean Commonwealth Countries (Caribbean)**

Canada provides a scheme of duty-free preferences for Caribbean Commonwealth countries referred to as CARIBCAN. Under certain circumstances, it may be necessary for the government to act quickly to withdraw such preferences when Canadian manufacturers are injured by imports as a result of the lower preferential rates. Alternatively, the government may wish to expand the country or product coverage for these preferential rates or waive certain rules of origin requirements to improve the benefits provided.

Withdrawal of CARIBCAN treatment as a result of a safeguard petition would restore necessary protection for Canadian industry. Changes to rules of origin or country coverage could provide some benefit to developing countries.

**Classification:** Intermediate cost

**Status:** This is a recurring initiative.

**Contact:** Patricia M. Close, Director, Tariffs Division, International Trade and Finance Branch, Department of Finance, Ottawa, Ontario, K1A 0G5.  
Tel. (613) 992-6881; Fax (613) 995-3843.

#### FIN-8

##### **Vessel Duty Removal/Reduction**

The Customs Tariff provides authority for the Governor in Council, on the recommendation of the Minister of Finance, to reduce or remove the tariff on ships, floating structures and other waterborne craft. The authority is used to respond to requests from Canadian companies which demonstrate that the tariff is inequitable or anomalous or its reduction or removal is required for competitive reasons.

Reduction or removal of the tariff on vessels reduces the costs associated with acquiring vessels and thus, the cost of the operation of the transportation service they provide. Because such action could affect the tariff protection afforded Canadian shipbuilders, it is only taken after carefully considering the costs and benefits to the importers and the Canadian shipbuilding and ship repairing industries.

**Classification:** Intermediate cost

**Status:** This is a recurring initiative.

**Contact:** Patricia M. Close, Director, Tariffs Division, International Trade and Finance Branch, Department of Finance, Ottawa, Ontario, K1A 0G5.  
Tel. (613) 992-6881; Fax (613) 995-3843.

#### FIN-9

##### **Most-Favoured-Nation Tariff Treatment**

Under certain circumstances, recommendations are made by the Minister of Finance to the Governor in Council to modify the tariff treatment of imports from certain countries. Orders extending Most-Favoured-Nation Tariff treatment are in response to obligations under a new trade agreement or to reflect a change in our trade relations with a particular country.

The modification of the tariff treatment extended to a particular country is usually made in response to international obligations.

**Classification:** Intermediate cost

**Status:** This is a recurring initiative.

**Contact:** Patricia M. Close, Director, Tariffs Division, International Trade and Finance Branch, Department of Finance, Ottawa, Ontario, K1A 0G5.  
Tel. (613) 992-6881; Fax (613) 995-3843.

#### FIN-10

##### **Handicraft Goods Order**

The Customs Tariff provides duty-free entry for traditional or artistic handicraft goods originating in developing countries.

From time to time, recommendations are made by the Minister of Finance to the Governor in Council to expand or otherwise modify the list of handicraft items which are entitled to duty-free entry.

The Handicrafts Goods Order is part of Canada's international commitment to assist developing countries.

**Classification:** Low cost

**Status:** This is a recurring initiative.

**Contact:** Patricia M. Close, Director, Tariffs Division, International Trade and Finance Branch, Department of Finance, Ottawa, Ontario, K1A 0G5.  
Tel. (613) 992-6881; Fax (613) 995-3843.

#### FIN-11

##### **Preferential Tariff Treatment for Certain Commonwealth Countries**

Canada provides a system of tariff preferences for certain Commonwealth countries. On occasion, it becomes necessary to either withdraw British Preferential Tariff (BPT) rates of duty largely to protect domestic manufacturers or to modify BPT treatment for certain goods usually in response to international trade agreements.

Withdrawal of BPT rates can result in increased protection for domestic industry. Expansion of BPT rates are usually extended following trade agreements which contain reciprocal benefits for Canadian trade.

**Classification:** Intermediate cost

**Status:** This is a recurring initiative.

**Contact:** Patricia M. Close, Director, Tariffs Division, International Trade and Finance Branch, Department of Finance, Ottawa, Ontario, K1A 0G5.  
Tel. (613) 992-6881; Fax (613) 995-3843.

#### FIN-12

##### **General Amending Orders**

From time to time, amendments to various Regulations and Orders are required as a result of concerns raised by the Standing Joint Committee for Regulatory Scrutiny. The amendments address certain legal issues as well as technical problems with Orders.

Because the amendments are, for the most part, technical and not substantive in nature, there is little or no economic impact.

**Classification:** Low cost

**Status:** This is a recurring initiative.



**Contact:** Patricia M. Close, Director, Tariffs Division, International Trade and Finance Branch, Department of Finance, Ottawa, Ontario, K1A 0G5. Tel. (613) 992-6881; Fax (613) 995-3843.

#### FIN-13

##### **Remission of Duties**

The authority to remit customs duties paid or payable has been delegated by Parliament to the Governor in Council. Remissions of duties are usually proposed only in exceptional circumstances where a genuine need for tariff relief has been clearly demonstrated. Most remissions are recommended to rectify anomalies or inequities caused by the tariff structure in specific situations or to provide short-term assistance to particular Canadian manufacturers facing serious competitive or financial problems.

The remission authority allows the government to respond quickly in specific situations where the application of general laws and regulations are having unintended or undesirable results. Because such action could affect the tariff protection afforded Canadian producers, it is only taken after carefully considering the costs and benefits of the tariff reduction on the beneficiaries and on Canadian producers.

**Classification:** Intermediate cost

**Status:** This is a recurring initiative.

**Contact:** Patricia M. Close, Director, Tariffs Division, International Trade and Finance Branch, Department of Finance, Ottawa, Ontario, K1A 0G5.

Tel. (613) 992-6881; Fax (613) 995-3843.

#### FIN-14

##### **"Snapback" Tariffs on Fresh Fruits and Vegetables**

The Customs Tariff contains authority (flowing from Article 702 of the Canada-U.S. Free Trade Agreement) under which the Minister of Finance may, by Order, temporarily restore (for up to 180 days) tariffs on certain fresh fruits and vegetables imported from the U.S. for a 20-year period under depressed price conditions in order to give Canada's horticultural industry an opportunity to adjust to more open trading conditions. This "snapback" provision applies only if the average acreage under cultivation (exclusive of acreage converted from wine-grape cultivation) for that product is constant or declining. The temporary duties, together with any other customs duty, cannot exceed the Most-Favoured-Nation rate of duty for the product in question.

The imposition of the temporary duties will result in the restoration of tariff protection for domestic

producers of fruits and vegetables covered by the Order.

**Classification:** Intermediate cost

**Status:** This is a recurring initiative.

**Contact:** Patricia M. Close, Director, Tariffs Division, International Trade and Finance Branch, Department of Finance, Ottawa, Ontario, K1A 0G5.

Tel. (613) 992-6881; Fax (613) 995-3843.

#### FIN-15

##### **Technical Amendments to the Customs Tariff**

From time to time, it is necessary to make technical amendments to the Customs Tariff nomenclature. These are usually required to implement international obligations which Canada undertook when it adopted the Harmonized System (HS) of classification in 1988. (An integral part of the adoption of the HS is that the tariff nomenclature must be amended from time to time to implement decisions taken by the Customs Co-operation Council, the international organization responsible for the HS, to meet evolving technological developments.)

The amendments are, for the most part, technical and not substantive.

**Classification:** Low cost to intermediate cost

**Status:** This is a recurring initiative.

**Contact:** Patricia M. Close, Director, Tariffs Division, International Trade and Finance Branch, Department of Finance, Ottawa, Ontario, K1A 0G5.

Tel. (613) 992-6881; Fax (613) 995-3843.

#### FIN-16

##### **Regulations Pursuant to Schedule VII of the Customs Tariff**

Section 114 of the Customs Tariff prohibits the importation of goods set out in Schedule VII to that Act. Schedule VII further provides authority, in certain instances, for regulations to clarify which goods are prohibited or the terms and conditions under which certain goods are prohibited.

Throughout the year, it may be necessary to make or amend such regulations.

Because such action could affect the admissibility of goods into Canada, regulations relating to the goods set out in Schedule VII are only introduced after carefully considering their costs and benefits.

**Classification:** Low cost to intermediate cost

**Status:** This is a new initiative.

**Contact:** Patricia M. Close, Director, Tariffs Division, International Trade and Finance Branch, Department of Finance, Ottawa, Ontario, K1A 0G5.

Tel. (613) 992-6881; Fax (613) 995-3843.

## FIN-17

**Remission of Anti-Dumping and Countervailing Duties**

The authority to remit the payment of anti-dumping and countervailing duties has been delegated by Parliament to the Governor in Council. Requests for the remission of these duties are accepted only under exceptional circumstances and generally where the Canadian industry supports the remission or where there is no Canadian production.

The remission authorities allow the government to respond quickly in specific situations where there are exceptional circumstances in the application of general laws and Regulations.

**Classification:** Intermediate cost

**Status:** This is a recurring initiative.

**Contact:** Terry Collins-Williams, Director, International Economic Relations Division, International Trade and Finance Branch, Department of Finance, Ottawa, Ontario, K1A 0G5. Tel. (613) 996-8650; Fax (613) 943-1177.

## FIN-18

**Special Import Measures Act (SIMA)**

In order to implement Canada's obligations, under certain trade Agreements, namely the GATT and the North American Free Trade Agreement (NAFTA), a certain number of changes are intended to be made to the Special Import Measures Act (SIMA) Regulations. These amendments are designed to reflect Canada's rights and obligations under these agreements. In the case of the NAFTA, the changes are intended to provide more explicit direction regarding which parties within Canada, the United States and Mexico may qualify to request a binational panel review of a definitive decision under the SIMA.

In the case of the GATT, the expected conclusion of the Uruguay Round of Multilateral Trade Negotiations may lead to changes to the definition of subsidy and possibly to the calculation of dumping. Any such changes would be undertaken essentially to enable Canada to take greater advantage of its rights under new GATT rules on the use of trade remedies. The NAFTA Chapter 19 dispute settlement system is intended to provide Canadian interests with an effective means to challenge U.S. and Mexican trade remedy law decisions.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Terry Collins-Williams, Director, International Economic Relations Division, International Trade and Finance Branch, Department

of Finance, Ottawa, Ontario, K1A 0G5. Tel. (613) 996-8650; Fax (613) 943-1177.

**Financial Sector Policy Branch**

## FIN-19

**Portfolio Management and Investment Counselling Regulations**

The Portfolio Management and Investment Counselling Regulations prescribe terms and conditions for the provision of portfolio management and investment counselling services by banks and other federally-regulated financial institutions. The intent of the Portfolio Management and Investment Counselling Regulations is to provide a comprehensive investor protection scheme. The compliance costs for banks and other federally-regulated financial institutions will compare to that faced by other providers of portfolio management and investment counselling services which are regulated by the provinces.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number FIN-26.

**Contact:** Martine Doyon, Chief, Federal-Provincial Issues Section, Financial Sector Policy Division, Financial Sector Policy Branch, Department of Finance, Ottawa, Ontario, K1A 0G5. Tel. (613) 992-7056; Fax (613) 943-8436.

## FIN-20

**Domestic Bonds of Canada Regulations**

Regulations pursuant to Section 60 of the Financial Administration Act set forth certain legal requirements with respect to the issuing, redemption, and transfer of ownership of Government of Canada bonds. These regulations have not undergone substantial amendments for some time and a complete review of the Regulations is proposed in order to correct numerous flaws that have become apparent in them over the past several years, as well as to incorporate new provisions that are necessary as a result of changes in the market environment relating to the issue of bonds. These changes will be largely technical in nature including reconciling the Regulations with Civil and Common Law and incorporating new provisions related to the increasing use of electronic, rather than physical, transfer of funds and securities ownership.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Mark Piper, Senior Economist, Financial Markets Operations Section, Financial Sector Policy Branch, Department of Finance, Ottawa, Ontario,



K1A 0G5.

Tel. (613) 992-4475; Fax (613) 943-2039.

#### FIN-21

##### **Use of Customer Information Regulations**

The Use of Customer Information Regulations restrict insurance companies from using information contained in loan applications or obtained from a deposit-taking institution, to promote insurance.

This regulation will promote competitive equity between insurance companies and deposit-taking institutions. Banks and other federal deposit-taking institutions are not permitted to use certain customer information to promote insurance products. This regulation will apply a similar rule to insurance companies.

*Classification:* Intermediate cost

*Status:* This is a new initiative.

*Contact:* Julie Dickson, Chief, Policy Development, Financial Institutions Division, Financial Sector Policy Branch, Department of Finance, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5.  
Tel. (613) 992-5644; Fax (613) 943-8436.

#### FIN-22

##### **Cooperatives Insurance Business Regulation**

The Cooperatives Insurance Business Regulations restrict the extent to which a cooperative association may undertake the business of insurance, and restrict the ability of cooperative associations to pass information about customers to insurance companies, agents or brokers.

This regulation mirrors a regulation that already applies to banks and trust and loan companies. It implements the government's policy of ensuring that insurance continues to be predominantly sold by licensed insurance agents independent of any deposit-taking institution.

*Classification:* Intermediate cost

*Status:* This is a new initiative.

*Contact:* Julie Dickson, Chief, Policy Development, Financial Institutions Division, Financial Sector Policy Branch, Department of Finance, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5.  
Tel. (613) 992-5644; Fax (613) 943-8436.

#### FIN-23

##### **Financial Contracts Regulations**

The Financial Contracts Regulations cite certain financial contracts that may be executed despite the fact that a financial institution which is a party to the contract has been seized by the Canada Deposit Insurance Corporation (CDIC), and is in the process of being sold to another institution. When CDIC takes such action, most actions against the financial

institution are stayed. The financial contracts regulation sets out an exemption for funds transfer systems, as the execution of such agreements is critical in ensuring financial market stability.

*Classification:* Intermediate cost

*Status:* This is a new initiative.

*Contact:* John Grace, Economist, Financial Institutions Division, Financial Sector Policy Branch, Department of Finance, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5.  
Tel. (613) 992-3236; Fax (613) 943-8436.

### **Economic Development Policy Branch**

#### FIN-24

##### **Newfoundland Offshore Petroleum Resource Revenue Account Regulations**

The Atlantic Accord Implementation Act authorizes the Minister of Natural Resources to transfer to the Government of Newfoundland an amount equal to the proceeds of consumption taxes, insurance companies tax, provincial share of corporate income tax, royalties and rentals and fees associated with oil and gas activity in the Newfoundland Offshore. The regulation would specify the time and the manner of payment of these amounts.

*Classification:* Low cost

*Status:* This initiative appeared in the 1993 Regulatory Plan as initiative number FIN-44.

*Contact:* Luis G. Leigh, Environment, Energy and Resource Policy Division, Economic Development Policy Branch, Department of Finance, Ottawa, Ontario, K1A 0G5.  
Tel. (613) 992-2151; Fax (613) 992-3648.

### **Tax Policy Branch**

#### FIN-25

##### **Income Tax Regulations Consequential on S.C. 1991, c. 49**

S.C. 1991, c. 49 (Bill C-18) implemented minor technical changes to the Income Tax Act, most of which were first released in draft form on July 13, 1990, along with the income tax amendments announced in the 1990 and 1991 budgets and a number of income tax measures previously announced in press releases. Consequential amendments will be required to the Income Tax Regulations, including amendments relating to available for use rules, registered national arts organizations, deductions in respect of prescribed northern zones and prescribed intermediate zones, prescribed alterations with respect to deductions for handicapped persons,

advertising deductions, inventory calculations, foreign property, the tax on large corporations, the tax on capital of financial institutions, and foreign ore processing. These changes will be effective from the dates announced in the amending legislation.

**Classification:** Major

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number FIN-4.

**Contact:** Howard Krakower, Tax Policy Officer, Tax Policy Branch, Department of Finance, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel. (613) 992-3039; Fax (613) 992-4450.

#### FIN-26

##### **Income Tax Regulations Relating to the 1992 Budget and Income Tax Technical Amendments**

On June 19, 1992, the Government tabled a detailed notice of amendments to the Income Tax Act. Some of the amendments relate to policies announced in the 1992 Federal Budget, but most of the amendments are technical amendments that were announced by way of draft legislation published on December 20, 1991 or by way of other press releases issued in 1991 and 1992. These were implemented by S.C. 1993, c. 24 (Bill C-92). As a result, a number of consequential amendments to the Income Tax Regulations are required.

**Classification:** Major

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number FIN-5.

**Contact:** Howard Krakower, Tax Policy Officer, Tax Policy Branch, Department of Finance, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel. (613) 992-3039; Fax (613) 992-4450.

#### FIN-27

##### **Tax Exemption for European Bank for Reconstruction and Development**

Paragraph 212(1)(b) of the Income Tax Act imposes a 25 per cent withholding tax on interest paid or credited to persons not resident in Canada. Subparagraph 212(1)(b)(x) of the Act provides an exception from the tax in the case of interest payable to a prescribed international organization or agency. Those entities are in turn listed in section 806.1 of the Income Tax Regulations. Under the European Bank for Reconstruction and Development (EBRD) Agreement, Canada, as a member state, may not tax the property of the EBRD. It is therefore intended to add the EBRD to the list of prescribed entities in section 806.1 of the Regulations, to confirm that interest paid to the EBRD on any Canadian investments is not subject to withholding tax.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number FIN-6.

**Contact:** Lawrence Purdy, Tax Policy Officer, Tax Policy Branch, Department of Finance, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel. (613) 996-0602; Fax (613) 992-4450.

#### FIN-28

##### **Resource Allowance**

On July 23, 1992, the Minister of Finance announced that changes would be made to Part XII of the Income Tax Regulations, primarily in order to clarify the calculation of the resource allowance. Draft regulations and notes were released at that time.

**Classification:** Major

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number FIN-7.

**Contact:** Simon Thompson, Tax Policy Officer, Tax Policy Branch, Department of Finance, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel. (613) 992-0049; Fax (613) 992-4450.

#### FIN-29

##### **Registered Retirement Income Funds**

As part of the 1992 Budget, the Minister of Finance announced that the payout period with respect to registered retirement income funds would be extended throughout the lifetime of the annuitant under the fund. (The existing law effectively provides for payments to end in the year in which an annuitant or the spouse of the annuitant attains 90 years of age.) Details of this proposal were tabled in the House of Commons on June 19, 1992. Amendments to the Income Tax Regulations are required to set out the new age-related factors used to determine the minimum amounts paid annually under such funds.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number FIN-8.

**Contact:** Simon Thompson, Tax Policy Officer, Tax Policy Branch, Department of Finance, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel. (613) 992-0049; Fax (613) 992-4450.

#### FIN-30

##### **Income Tax Regulations Relating to Registered Pension Plans**

On February 14, 1992, the Minister of Finance announced a number of technical amendments to the rules relating to registered pension plans. The proposals are in Department of Finance Press Release 92-014. Implementation of these proposals will require amendments to Parts LXXXIII to LXXXV



of the Income Tax Regulations. As well, other amendments to the regulations may be required to refine the operation of the recently-enacted rules governing tax-assisted saving for retirement.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number FIN-9.

**Contact:** Catherine Cloutier, Tax Policy Officer, Tax Policy Branch, Department of Finance, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel. (613) 996-0598; Fax (613) 992-4450.

#### FIN-31

##### **Income Tax Regulations Relating to Unregistered Pension Plans**

On May 24, 1991, the Minister of Finance announced proposed measures relating to the registered retirement savings (RRSP) room of taxpayers who participate in certain unregistered pension plans. The Minister also announced proposals relating to the application of the 50-per-cent refundable retirement compensation arrangement (RCA) tax to certain foreign pension plans. Implementation of these proposals will require a number of amendments to the Income Tax Regulations. In particular, amendments will be required to Part LXVIII, which prescribes certain plans as exempt from the definition of an RCA, and to Part LXXXIII, which prescribes amounts that serve to reduce the RRSP room of taxpayers. For details regarding the proposals, see Department of Finance Press Release 91-052.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number FIN-10.

**Contact:** William Holmes, Chief, Tax Policy Branch, Department of Finance, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel. (613) 992-4390; Fax (613) 992-4450.

#### FIN-32

##### **Income Tax Regulations Relating to Indexed Debt Obligations**

On October 16, 1991, the Minister of Finance announced proposed rules relating to the tax treatment of indexed debt obligations. The proposals will be implemented, in part, by amending Part LXX of the Income Tax Regulations. Also, an amendment will be required to the reporting obligation in subsection 201(4) of the Regulations. The proposed amendments are contained in Department of Finance Press Release 91-104.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number FIN-12.

**Contact:** William Holmes, Chief, Tax Policy Branch, Department of Finance, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel. (613) 992-4390; Fax (613) 992-4450.

#### FIN-33

##### **Employee Stock Options – Prescribed Shares**

Paragraph 110(1)(d) of the Income Tax Act provides a deduction in computing an employee's taxable income in respect of the benefit realized on the exercise of certain employee stock options. This deduction is equal to one-quarter of the amount (one-third in 1988 and 1989) of the benefit considered under subsection 7(1) of the Act to have been received by the employee in respect of the share. Section 6204 of the Income Tax Regulations sets out the conditions that a share must meet in order for it to be considered to be a prescribed share and qualify for the deduction provided under paragraph 110(1)(d). Paragraph 6204(1)(b) requires that the corporation (or a specified person in relation to the corporation) cannot reasonably be expected to acquire or cancel the share or reduce the paid-up capital of the corporation in respect of the share within two years of its sale or issue.

Where, during the takeover bid, employees exercise their options to buy shares and then sell them to the bidder, such shares do not qualify as prescribed shares because the bidder on a takeover bid is considered to be a specified person who can reasonably be expected to acquire the shares. These share purchases need to be accommodated under the Regulations so that the share will not be prevented from qualifying as prescribed shares. This change may apply to all prescribed share provisions.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number FIN-13.

**Contact:** Jake Harms, Tax Policy Officer, Tax Policy Branch, Department of Finance, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel. (613) 992-4859; Fax (613) 992-4450.

#### FIN-34

##### **Income Tax Prescribed Share Provisions**

Subsections 110.6(8) and (9) of the Income Tax Act are anti-avoidance rules to prevent the conversion of dividend income into exempt capital gains of individuals. The concern is that corporations may issue shares having attributes designed to facilitate the realization of the yield by way of a capital gain rather than by way of dividends. This rule will not apply, however, in the case of prescribed shares. Section 6205 of the Income Tax Regulations sets

out the conditions that a share must meet in order for it to be considered to be a prescribed share and avoid the application of subsections 110.6(8) and (9). Section 6205 does not currently permit employees to redeem a share. An amendment to the regulations is required so that shares will not be prevented from qualifying as prescribed shares where the shares carry a redemption feature allowing an employee share redemption for an amount not exceeding fair market value at the time of the redemption and the purpose of the redemption feature is to provide a market for the share.

This change may apply to all prescribed share provisions.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number FIN-14.

**Contact:** Wally Conway, Chief, Capital Gains and Corporate Reorganizations, Tax Policy Branch, Department of Finance, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5.  
Tel. (613) 995-0455; Fax (613) 992-4450.

#### FIN-35

##### **Income Tax Regulations Relating to Branch Tax**

Part XIV of the Act imposes a special tax, generally referred to as the "branch tax", at a rate of 25 per cent on the after-tax earnings of a Canadian branch of a non-resident corporation, subject to an allowance for investment in property in Canada. Subsection 808(2) of the Income Tax Regulations enumerates the property to be taken into account in computing the investment allowance ("qualified investment in property in Canada") of a non-Canadian corporation that carries on business in Canada. Qualified investment in property in Canada includes the corporation's "allowable liquid assets" that are used in the Canadian business. An amendment to the definition of "allowable liquid assets" is needed to clarify that funds on deposit with a Canadian bank that were not generated by the Canadian branch operation or intended for the use of the Canadian branch are not included in the corporation's allowable liquid assets.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number FIN-15.

**Contact:** Wally Conway, Chief, Capital Gains and Corporate Reorganizations, Tax Policy Branch, Department of Finance, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5.  
Tel. (613) 995-0455; Fax (613) 992-4450.

#### FIN-36

##### **Contributions to Sinking Fund**

Section 1400 of the Income Tax Regulations may have to be amended to give the Mortgage Insurance Corporation of Canada a deduction for amounts contributed to what is in essence a sinking fund.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number FIN-16.

**Contact:** Wally Conway, Chief, Capital Gains and Corporate Reorganizations, Tax Policy Branch, Department of Finance, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5.  
Tel. (613) 995-0455; Fax (613) 992-4450.

#### FIN-37

##### **Part XIV of the Income Tax Regulations**

Subsection 1404(2) of the Income Tax Regulations defines "acquisition costs" of an insurance policy and "net premium for the policy". The acquisition costs of a policy reduce the net premium for the policy and consequently reduce the unearned premium reserve that may be claimed by the insurer. Acquisition costs of a policy are generally deemed to be 20 per cent of the premium paid for the policy. However, for certain types of policies set out in paragraph (a) of the definition, the acquisition costs are deemed to be only five per cent of the premium paid. It is intended to expand paragraph (a) of the definition "acquisition costs" to include therein insurance policies sold only to members of a *caisse populaire* or credit union by a corporation formed exclusively for the purpose of providing insurance to such members.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number FIN-17.

**Contact:** Wally Conway, Chief, Capital Gains and Corporate Reorganizations, Tax Policy Branch, Department of Finance, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5.  
Tel. (613) 995-0455; Fax (613) 992-4450.

#### FIN-38

##### **Income Tax Regulations Relating to Farmers' and Fishermen's Insurers**

Paragraph 149(1)(t) of the Income Tax Act provides an exemption from Part I tax to insurers of farm property, property used in fishing or residences of farmers or fishermen. The exemption is limited by subsections 149(4.1) to (4.3) of the Act. Further, paragraph 149(1)(t) imposes certain requirements relating to gross premium income that must be met by the insurer and, unless the insurer is a prescribed insurer, certain other insurers including insurers



related to the insurer. It is intended to prescribe certain insurers for the purposes of this paragraph. Where the insurer is a prescribed insurer, only the gross premium income of that insurer will be considered in determining whether that insurer will be eligible for the Part I exemption.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number FIN-18.

**Contact:** William Holmes, Chief, Tax Policy Branch, Department of Finance, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5.

Tel. (613) 992-4390; Fax (613) 992-4450.

#### FIN-39

##### **Additions to Subsection 5907(11) of the Income Tax Regulations**

Section 95 of the Income Tax Act defines a number of terms and provides certain rules that apply for the purposes of Subdivision i of Division B in Part I of the Act, which relates to shareholders of non-resident corporations. Section 113 of the Act permits a resident corporation to deduct prescribed amounts in respect of dividends received out of the exempt, taxable and pre-acquisition surplus of a foreign affiliate. Section 5907 of the Income Tax Regulations provides rules for the calculation of amounts described in these two sections of the Act. Essentially, dividend income derived from active business earned in Canada or a country listed under subsection 5907(11) by a foreign affiliate resident in a listed country is exempt from Canadian tax when received by a Canadian resident corporation. In light of the fact that Canada's tax treaties with Papua New Guinea, Poland, Luxembourg, Mexico and (former) Czechoslovakia have entered into force, these countries should be added to the countries listed under subsection 5907(11).

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number FIN-19.

**Contact:** Jake Harms, Tax Policy Officer, Tax Policy Branch, Department of Finance, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5.  
Tel. (613) 992-4859; Fax (613) 992-4450.

#### FIN-40

##### **Income Tax Regulations Relating to Life Insurance Companies and their Products**

As announced in the February 1992 Budget, the Department of Finance is reviewing the taxation of the life insurance industry. This review will likely result in amendments to the Income Tax Regulations. In particular, these amendments may include changes to Part III (rules relating to the

taxation of insurance policies and annuities), Part XIV (rules relating to the calculation of policy reserves of insurance companies) and Part XXIV (rules relating to the calculation of investment income of insurance companies).

**Classification:** Major

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number FIN-20.

**Contact:** William Holmes, Chief, Tax Policy Branch, Department of Finance, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5.

Tel. (613) 992-4390; Fax (613) 992-4450.

#### FIN-41

##### **Tax on Investment Income of Life Insurers**

On June 18, 1987, the Minister of Finance announced, in the House of Commons, proposals for a broad reform of the tax system. As part of this reform, a tax on the investment income of life insurers, which had from 1969 to 1978 been subject to tax under Part XII of the Income Tax Act, was reintroduced. The structure of the proposed tax was set out in a general way in the supplementary information to the Notice of Ways and Means Motion tabled in the House of Commons on December 16, 1987. Further details concerning the proposed tax were made public by the Minister of Finance on March 2, 1988. The changes to the Income Tax Act implementing the proposed tax (new Part XII.3 of the Act) received Royal Assent September 13, 1988, (S.C. 1988, c. 55). Draft amendments to the Income Tax Regulations relating to the provisions of new Part XII.3 of the Act were released by the Minister on March 7, 1990.

**Classification:** Major

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number FIN-21.

**Contact:** Carol Muirhead, Chief, Tax Policy Branch, Department of Finance, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5.

Tel. (613) 992-3763; Fax (613) 992-4450.

#### FIN-42

##### **Income Tax Regulations Relating to the 1993 Budget**

Regulatory amendments related to measures announced in the April 26, 1993 budget will be required. These include changes to the capital cost allowance rules for patents and certain types of rapidly depreciating equipment.

**Classification:** Major

**Status:** This is a new initiative.

**Contact:** Gerard Lalonde, Chief, Tax Policy Branch, Department of Finance, 140 O'Connor Street,

Ottawa, Ontario, K1A 0G5.  
Tel. (613) 992-0405; Fax (613) 992-4450.

#### FIN-43

##### **Interest Accrual Rules**

On August 10, 1993, the Minister of Finance announced changes to the rules in Part LXX of the Income Tax Regulations that prescribe the amount of interest that is considered to accrue each year on certain debt obligations. The changes alter the measurement of accrued interest on debt obligations that have increasing interest rates. These changes limit the scope of a rule that treats a debt obligation as a continuation of another obligation where it is acquired pursuant to a conversion right. Draft regulations and explanatory notes were released with the Minister's announcement.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** William Holmes, Chief, Tax Policy Branch, Department of Finance, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5.  
Tel. (613) 992-4390; Fax (613) 992-4450.

#### FIN-44

##### **Scientific Research and Experimental Development (SR&ED)**

Regulations are required as a result of the proposed introduction, in the Income Tax Act, of a proxy method for determining SR&ED overhead expenses. As well, certain clarifying amendments to the Income Tax Regulations relating to SR&ED expenditures are proposed, as released in draft by the Minister of Finance on December 2, 1992 are proposed.

**Classification:** Major

**Status:** This is a new initiative.

**Contact:** Davine Roach, Tax Policy Officer, Tax Policy Branch, Department of Finance, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5.  
Tel. (613) 992-4852; Fax (613) 992-4450.

#### FIN-45

##### **Capital Cost Allowance**

Various amendments to the Income Tax Regulations are required to implement proposals released on December 23, 1991 that relate to the rate of capital cost allowance applicable in respect of certain greenhouses, bi-model trailers, fibre-optic cable, and pollution control equipment, as well as other matters generally relating to, but not restricted to, capital cost allowance.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Kerry Harnish, Tax Policy Officer, Tax Policy Branch, Department of Finance, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5.  
Tel. (613) 992-4385; Fax (613) 992-4450.

#### FIN-46

##### **Tax Exemption for Employees of International Non-governmental Organizations**

A proposed amendment to paragraph 110(1)(f) of the Income Tax Act would permit certain employees of "prescribed international non-governmental organizations" to exclude their employment income from that organization from their taxable income. It is intended that the International Air Transport Association and the Société internationale de télécommunications aéronautiques be prescribed for this purpose.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Tommy Ellis, Tax Policy Officer, Tax Policy Branch, Department of Finance, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5.  
Tel. (613) 992-4853; Fax (613) 992-4450.

#### FIN-47

##### **Budget Regulations**

Any budgetary announcements made by the Minister of Finance before the end of 1994 may, as a consequence, require new regulations or amendments to regulations such as the Income Tax Regulations. The budget documents will provide details of any impact.

**Classification:** Major

**Status:** This is a recurring initiative.

**Contact:** Howard Krakower, Tax Policy Officer, Tax Policy Branch, Department of Finance, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5.  
Tel. (613) 992-3039; Fax (613) 992-4450.

#### FIN-48

##### **Other Income Tax Regulations**

It is expected that income tax amendments of a technical nature will be introduced in Parliament before the end of 1993. The passage of these amendments may require consequential amendments to the Income Tax Regulations. As well, it may be necessary to make various amendments to the regulations of a technical or housekeeping nature or for the purposes of clarification. Other amendments to the regulations may be required to address problems that may develop, to implement tax policy changes including changes announced by press release, to respond to court decisions, to reflect or respond to statutory changes including those made as a result of statute



revision or to improve the wording, organization or numbering of the regulations.

**Classification:** Major

**Status:** This is a recurring initiative.

**Contact:** Howard Krakower, Tax Policy Officer, Tax Policy Branch, Department of Finance, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel. (613) 992-3039; Fax (613) 992-4450.

#### FIN-49

##### **Agriculture and Fishing Property (GST) Regulations**

On June 10, 1993, the Minister of Finance announced that changes would be made to the regulations, primarily to add items to the list of zero-rated agricultural inputs. Draft regulations and notes were released at that time.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Larry Mohr, Tax Policy Officer, Sales Tax Division, Tax Policy Branch, Department of Finance, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel. (613) 995-2836; Fax (613) 995-8970.

#### FIN-50

##### **Automobile Operating Cost Benefit (GST) Regulations**

On December 10, 1992, the Minister of Finance proposed modifications to the income tax and GST treatment of employee benefits relating to automobile operating expenses for the 1993 and subsequent taxation years. On March 30, 1993 draft regulations and notes were released to prescribe the applicable percentage for GST purposes at five percent of the operating cost benefit under paragraph 6(1)(a) of the Income Tax Act. The prescribed percentage recognizes that a portion of the operating cost benefit relates to exempt supplies such as insurance and licence fees.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Larry Mohr, Tax Policy Officer, Sales Tax Division, Tax Policy Branch, Department of Finance, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel. (613) 995-2836; Fax (613) 995-8970.

#### FIN-51

##### **Non-taxable Imported Goods (GST) Regulations**

Recent amendments to the legislation provides that the Minister of National Revenue may issue certificates to manufacturing service exporters allowing them, under certain conditions, to import goods for processing in Canada where such goods will be re-exported. The regulations must be amended to give non-taxable status to these goods

and to provide that the Minister of National Revenue will have the authority to require security as a condition of receiving the certificate. The regulation will also be amended to add a new condition requiring security for goods described in paragraphs 3(d) and (i) of the regulations. The regulations will also be amended to give non-taxable status to goods which have been exported and then re-imported under certain conditions.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Larry Mohr, Tax Policy Officer, Sales Tax Division, Tax Policy Branch, Department of Finance, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel. (613) 995-2836; Fax (613) 995-8970.

#### FIN-52

##### **Joint Venture (GST) Regulations**

Section 273 permits an operator and a participant in a qualifying joint venture to elect jointly to designate the operator as the person responsible for accounting for GST on behalf of both parties with respect to their purchases and sales made in the course of the activities of the joint venture.

Amendments to the list of prescribed activities in the regulations are required.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Luba Baran, Tax Policy Officer, Sales Tax Division, Tax Policy Branch, Department of Finance, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel. (613) 992-2980; Fax (613) 995-8970.

#### FIN-53

##### **Value of Imported Goods (GST) Regulations**

On November 5, 1991, the Minister of Finance announced that tax would apply to 1/60th of the value of a temporarily imported bus or aircraft for each month it is to be in use in Canada, provided the bus or aircraft is the subject of a short-term lease. Amendments are required to the regulations to provide such treatment.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Larry Mohr, Tax Policy Officer, Sales Tax Division, Tax Policy Branch, Department of Finance, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel. (613) 995-2836; Fax (613) 995-8970.

#### FIN-54

##### **Streamlined Accounting (GST) Regulations**

On December 10, 1992, the Minister of Finance announced changes to the simplified method of claiming input tax credits for small businesses, and

of claiming both input tax credits and rebates for charities, qualifying non-profit organizations and selected public service bodies. Draft regulations and notes were released on March 30, 1993. On June 1, 1993, the Minister of Finance and the Minister of National Revenue announced changes to the Quick Method and the Special Quick Method of accounting for GST. Draft regulations and notes were released at that time.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Larry Mohr, Tax Policy Officer, Sales Tax Division, Tax Policy Branch, Department of Finance, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel. (613) 995-2836; Fax (613) 995-8970.

## FIN-55

### Financial Services (GST) Regulations

On November 5, 1991, the Minister of Finance announced a clarification to the definition "financial services" stating that it does not include clearing and settlement services in respect of financial instruments. The regulations will be amended to provide that the definition "person at risk" excludes a person who becomes at risk in the course of supplying clearing and settlement services.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Mandy Atwal-Black, Tax Policy Officer, Sales Tax Division, Tax Policy Branch, Department of Finance, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5.

Tel. (613) 943-0750; Fax (613) 995-8970.

## FIN-56

### Debit and Credit Note Information (GST) Regulations

On March 27, 1991, the Minister of Finance announced changes to section 232 to allow the use of debit notes to document tax adjustments. The regulations will be amended to provide that the information required for credit notes will also be required for debit notes.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Larry Mohr, Tax Policy Officer, Sales Tax Division, Tax Policy Branch, Department of Finance, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel. (613) 995-2836; Fax (613) 995-8970.

## FIN-57

### Public Service Body Rebate (GST) Regulations

On March 27, 1991, the Minister of Finance announced that the definition "government funding" in the regulations for the purposes of determining

the percentage of government funding of a non-profit organization will be amended to clarify that loans from a government body – other than forgivable loans – do not constitute government funding.

On December 10, 1992, the Minister of Finance announced a simplified method for public service bodies to determine rebates, subject to certain thresholds. Draft regulations and notes were released on March 30, 1993.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Glenda MacInnes, Tax Policy Officer, Sales Tax Division, Tax Policy Branch, Department of Finance, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5.

Tel. (613) 992-3246; Fax (613) 995-8970.

## FIN-58

### Crown Agents (GST) Regulations

The regulations will be replaced with regulations which will define specified Crown agents.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Marc Grandisson, Tax Policy Officer, Sales Tax Division, Tax Policy Branch, Department of Finance, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5.

Tel. (613) 992-9615; Fax (613) 995-8970.

## FIN-59

### Lotteries (GST) Regulations

Subsection 188(5) has been amended to provide that the net tax of prescribed registrants is to be determined in a manner prescribed by regulation. These regulations will incorporate the special input tax credit set out in the former subsection and will be consistent with the rules set out in section 188.1 under which lottery corporations account for tax on the full value of lottery tickets.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Don Hurst, Tax Policy Officer, Sales Tax Division, Tax Policy Branch, Department of Finance, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel. (613) 947-0642; Fax (613) 995-8970.

## FIN-60

### Games of Chance (GST) Regulations

For the purposes of subsection 188(5), the existing regulations will be amended to add the Saskatchewan Liquor and Gaming Authority to the list of prescribed registrants.

**Classification:** Low cost



**Status:** This is a new initiative.

**Contact:** Don Hurst, Tax Policy Officer, Sales Tax Division, Tax Policy Branch, Department of Finance, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel. (613) 947-0642; Fax (613) 995-8970.

#### FIN-61

##### **Taxes, Duties and Fees (GST) Regulations**

The regulations will be amended to reflect provincial statutory changes and to correct statutory references.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Glenda MacInnes, Tax Policy Officer, Sales Tax Division, Tax Policy Branch, Department of Finance, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5.

Tel. (613) 992-3246; Fax (613) 995-8970.

#### FIN-62

##### **Mail and Courier Imports (GST) Regulations**

The regulations will be amended to add to the list of prescribed goods a reference to an audio-cassette that relates to a printed publication referred to in the regulations.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Larry Mohr, Tax Policy Officer, Sales Tax Division, Tax Policy Branch, Department of Finance, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel. (613) 995-2836; Fax (613) 995-8970.

#### FIN-63

##### **Budget (GST) Regulations**

Budgetary announcements made by the Minister of Finance before the end of 1994 may, as a consequence, require new regulations or amendments to existing regulations. The budget documents will provide details of any impact.

**Classification:** Intermediate cost

**Status:** This is a recurring initiative.

**Contact:** Marlene Starrs, Chief, Legislation Policy Section, Sales Tax Division, Tax Policy Branch, Department of Finance, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5.

Tel. (613) 992-4230; Fax (613) 995-8970.

#### FIN-64

##### **Other GST Regulations**

It is expected that GST amendments of a technical nature will be introduced in Parliament before the end of 1994. The implementation of some of these amendments may require amendments to the regulations. As well, it may be necessary to make

various amendments to the regulations of a technical or housekeeping nature. Other amendments to the regulations may be required to address problems that may develop, to implement tax policy changes announced by press release, to respond to court decisions, to reflect or respond to statutory changes including those made as a result of statute revision or to improve the wording, organization or numbering of the regulations.

**Classification:** Intermediate cost

**Status:** This is a recurring initiative.

**Contact:** Marlene Starrs, Chief, Legislation Policy Section, Sales Tax Division, Tax Policy Branch, Department of Finance, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5.

Tel. (613) 992-4230; Fax (613) 995-8970.

### **Federal-Provincial Relations and Social Policy Branch**

#### FIN-65

##### **Federal-Provincial Fiscal Arrangements Regulations, 1994**

A recommendation will be made by the Minister of Finance to the Governor in Council to promulgate new regulations dealing with the fiscal equalization, fiscal stabilization and revenue guarantee programs. Recommendations may also be made occasionally by the Minister of Finance to the Governor in Council to amend these regulations. Both the regulations and their possible amendments are technical in nature. The regulations will be similar in content with the Federal-Provincial Fiscal Arrangements Regulations, 1992 which ends on March 31, 1994, but with some changes to improve the administration of these various programs.

The regulations deal with the time and manner of determining and making payments to provincial governments in respect of fiscal arrangements programs. There are no compliance costs to the private sector, and no direct impact on the general public, businesses, the economy or on markets in general. The exact nature of the regulations and amendments, if any, are not yet known; it is therefore not possible to describe the benefits and costs. Provinces are consulted prior to regulations or amendments being made.

**Classification:** Low cost to major

**Status:** This is a recurring initiative.

**Contact:** Robert Murrell, Federal-Provincial Relations Division, Federal-Provincial Relations and Social Policy Branch, Department of Finance, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel. (613) 996-0374; Fax (613) 992-7754.

FIN-66

**Federal-Provincial Fiscal Arrangements Regulations, 1992**

Recommendations are occasionally made by the Minister of Finance to the Governor in Council to amend the regulations dealing with the fiscal equalization, fiscal stabilization and revenue guarantee programs. These amendments are usually technical in nature and introduced to improve the administration of these various programs.

The regulations deal with the time and manner of determining and making payments to provincial governments in respect of fiscal arrangements programs. There are no compliance costs to the private sector, and no direct impact on the general public, businesses, the economy or on markets in general. The exact nature of the amendments, if any, are not yet known, it is therefore not possible to describe the benefits and costs. Provinces are consulted prior to amendments being made.

**Classification:** Low cost to major

**Status:** This is a recurring initiative.

**Contact:** Robert Murrell, Federal-Provincial Relations Division, Federal-Provincial Relations and Social Policy Branch, Department of Finance, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel. (613) 996-0374; Fax (613) 992-7754.

FIN-67

**Federal-Provincial Fiscal Arrangements Regulations, 1987**

Recommendations are occasionally made by the Minister of Finance to the Governor in Council to amend the regulations dealing with the fiscal equalization, fiscal stabilization and revenue guarantee programs. These amendments are usually technical in nature and introduced to improve the administration of these various programs.

The regulations deal with the time and manner of determining and making payments to provincial governments in respect of fiscal arrangements programs. There are no compliance costs to the private sector, and no direct impact on the general public, businesses, the economy or on markets in general. The exact nature of the amendments, if any, are not yet known, it is therefore not possible to describe the benefits and costs. Provinces are consulted prior to amendments being made.

**Classification:** Low cost to major

**Status:** This is a recurring initiative.

**Contact:** Robert Murrell, Federal-Provincial Relations Division, Federal-Provincial Relations and Social Policy Branch, Department of Finance, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel. (613) 996-0374; Fax (613) 992-7754.

FIN-68

**Tax Collection Agreements and Federal Post-Secondary Education and Health Contributions Regulations, 1987**

Recommendations are occasionally made by the Minister of Finance to the Governor in Council to amend the regulations dealing with the tax collection agreements and established programs financing. These amendments are usually technical in nature and introduced to improve the administration of these various programs.

The regulations deal with the time and manner of determining and making payments to provincial governments in respect of tax collection agreements and established programs financing. There are no compliance costs to the private sector, and no direct impact on the general public, businesses, the economy or on markets in general. Provinces are consulted prior to amendments being made.

**Classification:** Low cost to major

**Status:** This is a recurring initiative.

**Contact:** Robert Murrell, Federal-Provincial Relations Division, Federal-Provincial Relations and Social Policy Branch, Department of Finance, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel. (613) 996-0374; Fax (613) 992-7754.

FIN-69

**Canada-Nova Scotia Offshore Revenue Equalization Offset Payments Regulations, 1993**

The Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act authorizes the Minister of Natural Resources to transfer to the Government of Nova Scotia an amount in respect of Equalization offset payments related to offshore revenue. This regulation will specify the time and manner of determining and making these payments. As this regulation is required by the Act, and simply implements its provisions, there is neither a cost nor a benefit associated with it.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Robert Murrell, Federal-Provincial Relations Division, Federal-Provincial Relations and Social Policy Branch, Department of Finance, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel. (613) 996-0374; Fax (613) 992-7754.



## Future Initiatives

### **Proceeds of Crime (money laundering) Act Regulations**

Regulations under the Proceeds of Crime (money laundering) Act came into effect on March 26, 1993. These regulations set out record keeping and client identification procedures for financial institutions and others, in order to provide audit trails for use in money laundering investigations. Minor adjustments to the regulations may be required, in light of compliance experience and changing money laundering practices.

**Contact:** James F. McCollum, Chief, Industry Analysis and Relations Section, Financial Sector Policy Branch, Department of Finance, Ottawa, Ontario, K1A 0G5.

Tel. (613) 992-8302; Fax (613) 943-8436.

# Fisheries and Oceans, Department of

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## General Information

### Roles and Responsibilities

The major responsibilities of the Department of Fisheries and Oceans (DFO) include fisheries management and research in coastal and certain inland waters, fisheries economic development and marketing, fish inspection, international fisheries negotiations, oceanographic research, hydrographic surveying and charting, and the development and administration of fishing and recreational harbours in all parts of Canada.

Under subsection 91(12) of the British North America Act, the federal government has exclusive legislative jurisdiction over Canada's fisheries in coastal and inland waters. DFO is fully responsible for the management of all fisheries, both marine and freshwater. The administration and enforcement of fisheries legislation has been delegated, in varying degrees, to the provinces of Quebec, Ontario, Manitoba, Saskatchewan, Alberta and British Columbia. In British Columbia, the fisheries for marine and anadromous species (i.e., fish that migrate from freshwater to sea) are managed by the federal government, while the provincial government administers the regulation of freshwater fisheries. In Quebec, all freshwater, anadromous and catadromous (eels) species are dealt with by the provincial government, with the remaining marine species being the responsibility of the federal authorities. In Ontario and the Prairie provinces, the provinces administer the regulation of all freshwater fisheries within their respective boundaries.

The main legislative authority of DFO is the Fisheries Act. Under this Act, regulations are established to control matters such as the timing, length and scope of fishing seasons, the type of harvesting equipment that may be used, catch quotas, fish habitat protection and poaching.

Another important piece of legislation for which DFO is responsible is the Fish Inspection Act. Regulations

made under this Act ensure that the harvesting and processing of fish are conducted under approved hygienic conditions for the protection of the consumer. The inspection of fish and fishery products for trade outside provincial boundaries is undertaken by the federal government in all areas of Canada. DFO inspectors are also responsible for verifying that all imported fish products comply with established standards.

### Legislative Mandate

The following Acts, identified by their chapter number in the last consolidation of federal statutes in 1985, are administered by the Department of Fisheries and Oceans:

- Atlantic Fisheries Restructuring Act (A-14)
- Coastal Fisheries Protection Act (C-33)
- Department of Fisheries and Oceans Act (F-15)
- Fish Inspection Act (F-12)
- Fisheries Act (F-14)
- Fisheries Development Act (F-21)
- Fisheries Improvement Loans Act (F-22)
- Fisheries Prices Support Act (F-23)
- Fisheries and Oceans Research Advisory Council Act (F-16)
- Fishing and Recreational Harbours Act (F-24)
- Freshwater Fish Marketing Act (F-13)
- Great Lakes Fisheries Convention Act (F-17)
- North Pacific Fisheries Convention Act (F-18)
- Northern Pacific Halibut Fisheries Convention Act (F-19)
- Saltfish Act (S-4)
- Territorial Sea and Fishing Zones Act (T-8)

## Initiatives for 1994

### DFO-1

#### Alberta Fishery Regulations – Annual Amendments

The Alberta Fishery Regulations establish fishing seasons, catch limits and prohibitions that assist in the management of the fisheries in Alberta. Amendments will be proposed on an annual basis. Current initiatives are intended to conserve walleye populations in Pigeon Lake and the Red Deer River (between Dixon Dam and Joffre Bridge) and develop common seasons and catch limits in boundary waters of adjoining provinces. In addition, the current initiatives will make other administrative arrangements.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Jim Struthers, Chief, Enforcement Services Branch, Fish and Wildlife Services, Alberta Environmental Protection, Main Floor, North Tower, Petroleum Plaza, 9945 – 108 Street, Edmonton, Alberta, T5K 2G6.  
Tel. (403) 427-6735; Fax (403) 422-9560.

## DFO-2

### **Alberta Fishery Regulations – Incidental Amendments to Complement New Provincial Act**

The regulations will be amended to recognize the transfer of responsibilities for the licensing of fisheries to the provinces. The Alberta Legislature passed the Fisheries (Alberta) Act on June 26, 1992. The proclamation of the new Act is planned for 1993. This Act provides for the licensing of fishing activities by the province. The Alberta Fishery Regulations will require amendments to be consistent with this legislative change.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number DFO-3.

**Contact:** Murray Busch, Assistant Director, Enforcement Services Branch, Fish and Wildlife Division, Department of Forestry, Lands and Wildlife, Main Floor, North Tower, Petroleum Plaza, 9945 – 108 Street, Edmonton, Alberta, T5K 2G6.  
Tel. (403) 427-8205.

## DFO-3

### **Atlantic Fishery Regulations, 1985 – Biodegradable Mechanisms on Snow Crab Traps**

Snow Crab fishing is carried out using traps mounted with openings which make it practically impossible for crabs entering the trap to escape. In addition, the polypropylene netting covering the trap can resist up to five years of continuous immersion in water before disintegrating. Each year, thousands of traps are lost; these traps can continue to catch crab (at a continuous rate) for many years and are responsible for a significant loss of this resource. The proposed amendment would make it mandatory for fishers to use traps equipped with a standard escape mechanism that would trigger the opening of the net panels after a specified period of time. Crabs caught in lost traps would then be able to escape and survive.

The implementation of this new initiative will reduce the number of crabs killed by lost traps. The reduced mortality rate will result in increased catches of Snow Crab. Fishers, fish plant representatives and fisheries managers all agree that the proposed amendment would have a positive impact on this resource, and costs would be minimal.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as number DFO-13.

**Contact:** Pierre Couillard, Senior Advisor, Shellfish and Molluscs, Fisheries Management and Habitat Branch, Department of Fisheries and Oceans, 901 Cap Diamant, Québec, Quebec, G1K 7Y7.  
Tel. (418) 648-2564.

## DFO-4

### **Atlantic Fishery Regulations, 1985 – Foreign Vessel Fishing Regulations – Bluefin Tuna, Swordfish and Shark**

The tuna fishery has evolved from what was largely a sport fishery into a very lucrative commercial fishery with a great increase in the tuna harvest. In order to conserve this valuable resource, the department needs to manage and administer this fishery more effectively. The provision in the Atlantic Fishery Regulations, 1985, requiring bluefin tuna to be tagged is being abused. This amendment prohibits a person from using another person's tag and using an expired tag or a tag that has been tampered with.

A new provision is being introduced in the Atlantic Fishery Regulations, 1985, that requires persons to have their catch of tuna inspected by a fishery officer upon landing of the fish at dockside or obtaining permission from an officer to land the fish without inspection.

Canada made a commitment to the International Commission for the Conservation of the Atlantic Tuna (ICCAT) to restrict the harvest of small tuna and swordfish. This amendment either increases or establishes the minimum allowable size for bluefin tuna, bigeye tuna and swordfish so that they are identical in both regulations and in accord with our commitment to ICCAT.

The number of shark being caught in the Atlantic area is increasing rapidly. The shark's rate of growth and reproduction is slow, which has made their stocks vulnerable to sport and commercial fishing elsewhere in the world. The department is introducing measures to conserve and monitor this resource. These measures include designating sharks as a species to which the regulations apply, establishing close times and requiring persons to have licences to fish for shark.

The amendment regarding the tagging of tuna will benefit the fishery officer in the prosecution of those who abuse the tagging system. There should be no cost attached.

The amendment regarding the landing of tuna will inconvenience some fishers as some delays may



occur, but a time savings will be realized by inspecting tuna before it is packed.

The new size provisions for tuna and swordfish have little effect on the Atlantic fishery.

By regulating sharks, the government will incur the cost of establishing a management program involving a limited number of fishing licences. The fishers of sharks will be subject to fees for these licences, which will range from \$5 for a recreational licence to \$400 for a commercial licence for a large vessel. These fees are in line with those for other species.

Monitoring this fishery and protecting it, if necessary, will benefit everyone. The administrative costs to the government are expected to be fully recovered through licence fee revenues.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number DFO-8.

**Contact:** Marsha Lalande, Staff Officer – Pelagics, Fisheries Operations Directorate, Department of Fisheries and Oceans, Ottawa, Ontario, K1A 0E5. Tel. (613) 990-0096.

#### DFO-5

##### **Atlantic Fishery Regulations, 1985 – Identification Markings on Lobster Traps**

Current regulations require that the vessel registration number set out in the lobster fishing licence be painted on or otherwise affixed to the tag or float attached to buoys marking the location of lobster traps. The numerals must be at least 75 mm in height. It has been found that the buoys used to mark lobster traps are often too small to accommodate numerals of this size. The elimination of the minimum height is being proposed.

There will no be additional costs to lobster fishers. As all existing markings will be legal, the change will apply only to new markings. The change will save the fisher work and expense as there will be no need to make new tags to attach to buoys.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number DFO-9.

**Contact:** Cluny Best, Staff Officer, Shellfish, Department of Fisheries and Oceans, P.O. Box 5667, St. John's, Newfoundland, A1C 5X1. Tel. (709) 772-2320; Fax (709) 772-3628.

#### DFO-6

##### **Atlantic Fishery Regulations, 1985 – Lumpfish Fishery**

The proposed regulation will introduce a fishing season for the taking of lumpfish. The lumpfish fishery is carried out only for roe production. The

proposed measure is designed for the conservation and protection of the lumpfish stock. It will permit the fishery to be closed where roe content is marginal and unacceptable to the market place.

This proposal will have an effect on the incomes of those fishers who take lumpfish when the roe content is marginal. Any reduction in income should be minor and will be an acceptable price to pay for improved conservation.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number DFO-5.

**Contact:** James W. Baird, Staff Officer, Groundfish, Department of Fisheries and Oceans, P.O. Box 5667, St. John's, Newfoundland, A1C 5X1. Tel. (709) 772-4594; Fax (709) 772-3628.

#### DFO-7

##### **Atlantic Fishery Regulations, 1985 – Foreign Vessel Fishing Regulations – Removal of hook and mesh sizes to allow for hook or mesh sizes to be specified by condition of licence**

On December 18, 1992, the 1993 Atlantic Groundfish Management Plan was announced. It contained initiatives to protect stocks and bring about adjustment in the Atlantic groundfish fishery. Special control measures were introduced because of the relatively small numbers of mature fish and the relatively large numbers of juvenile fish being fished. In the absence of such special measures, harvesting would result in excessive catches of juvenile fish. One of the key management measures announced in the groundfish plan is the preparation of conservation harvesting plans by each groundfish fleet sector operating in the Gulf of St. Lawrence and on the eastern Scotian Shelf. Each gear sector must show how it will achieve the conservation goal of protecting juvenile fish. Gear selectivity (i.e. mesh size for trawls, gillnets, traps and hook sizes for longliners) is a major component of the conservation plan.

These amendments will enable the department to respond to increased gear selectivity by the Atlantic groundfish fleets. It will also allow DFO and industry to respond quickly to changes in the resource by varying mesh and hook sizes by condition of licence. This flexibility is needed as knowledge with respect to gear selectivity continues to increase. It will also provide a basis for enforcing the conservation plans and reduce the cost of processing changes to regulations. It would also promote organization among gear sectors as they develop gear proposals and a greater sense of shared responsibility on the part of industry.

In September 1992, NAFO adopted a measure for all groundfish species being fished in the regulatory area that set the minimum mesh size at 130 mm. Under the current domestic regulations, Canadians fishing redfish in divisions 3N and 3O are specifically exempt from any minimum mesh size. This regulation is now contrary to the NAFO Regulation. Removing the current explicit exemptions to minimum mesh size for fishing redfish in 3N and 3O and allowing the mesh size to be determined by condition of licence is the most expedient way of proceeding. As well, it will expedite matters in future in fulfilling Canada's international obligations should NAFO make further changes to mesh size.

In response to new management control measures to protect small fish, costs will be incurred by the fishing industry with respect to replacement of existing gear in accordance with approved conservation harvesting plans. These amendments will benefit the fishing industry through long-term stability of the resource.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Edith Dussault, Chief, Resource Utilization, Resource Allocation Branch, Atlantic, Department of Fisheries and Oceans, 200 Kent Street, Ottawa, Ontario, K1A 0E6.

Tel. (613) 990-0016; Fax (613) 990-7051.

#### DFO-8

##### **Atlantic Fishery Regulations, 1985 – Scallop Fishing Areas and Protected Areas in Northern Quebec**

This regulatory proposal establishes new scallop fishing areas in northern Quebec, three of which would be closed permanently. These areas have been determined in accordance with the first Scallop Management Plan of Northern Quebec developed by the department and Inuk fishermen representatives.

The Ungava Bay fishing area is bounded by a straight line drawn from the extremity of Killiniq Point (in the east) to a point north of Roziere Bay (in the west). Other areas include Hudson Strait, from the western extremity of the Ungava Bay area to the northern extremity of Kovik Bay (Hudson Bay) and Hudson Bay, from the northeasterly extremity of the Hudson Strait area to the northern portion of James Bay. The three areas that would be closed permanently to protect critical beluga summer habitats in the eastern part of Hudson Bay and Ungava Bay are the Mucalic River Sanctuary (Ungava Bay), the Nastapoka River estuary and the Petite rivière à la Baleine estuary (Hudson Bay). The co-ordinates for these areas will be submitted to the

Joint Co-ordinating Committee on Hunting, Fishing and Trapping established pursuant to chapter 24 of the James Bay and Northern Quebec Agreement.

This regulatory proposal will facilitate the development and the enforcement of scallop fishing management measures for existing scallop stocks and for the future development of the fishery.

This proposal imposes no significant costs on the department and will have no impact on those who now fish for scallops in Northern Quebec or who intend to do so in the future. This proposal's main benefit is that it will make current and future operations subject to the department's Northern Quebec Scallop Management Plan.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Mimi Breton, Senior Advisor, Marine Mammals, and Director, Northern Quebec Area and Native Affairs, Fisheries Management and Habitat Division, Department of Fishery and Oceans, 901 Cap Diamant, Québec, Quebec, G1K 7Y7. Tel. (418) 648-5883.

#### DFO-9

##### **British Columbia Sport Fishing Regulations – An Aggregate Daily Bag Limit for Coho in Tidal and Non-Tidal Waters**

Establishing an aggregate daily bag limit of four for coho taken in the tidal and non-tidal waters of British Columbia is being proposed. At present, some fishers take advantage of the separate bag limits for tidal four and non-tidal four waters which results in up to eight coho being taken per day. They claim an overall limit of 16. Since it is difficult to distinguish between coho caught in tidal waters and those caught in non-tidal waters, the separate bag limits are almost unenforceable in areas on the border between tidal and non-tidal waters. Because of the fragile state of some of the coho stocks in British Columbia, action to protect coho stocks without unduly restricting fishing opportunity is desirable. This proposal has strong support from the Sport Fishing Advisory Board.

There are no significant costs to this proposal. Fishers will benefit in that bag limits for those fishing solely in either tidal or non-tidal waters will not be reduced while weakened coho stocks will be protected.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Wendy Grider, Regulations Officer, Regulations and Enforcement Services Unit, Department of Fisheries and Oceans, 400-555 West Hastings Street, Vancouver,



British Columbia, V6B 5G3.  
Tel. (604) 666-6408; Fax (604) 666-3450.

#### DFO-10

##### **British Columbia Sport Fishing Regulations – Salmon Conservation Stamp**

It is proposed to require sport fishers to purchase a salmon conservation stamp to fish for salmon in the tidal waters of British Columbia and affix it to their sport fishing licence. This stamp would replace the Chinook Conservation Stamp which was introduced in 1989. The cost of the stamp would be \$3.21. It is anticipated that an additional \$200,000 in revenue would be generated from this proposal. These additional monies would be provided to the Pacific Salmon Foundation to assist various organizations to finance projects to rebuild, conserve and enhance salmon stocks in British Columbia.

This proposal will cost anglers who target salmon other than chinook an additional \$3.21 per year. Benefits will include heightened awareness of salmon enhancement and stronger returns of salmon stocks with resulting increased fishing opportunities.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Tom Bird, Chief, Recreational Fisheries Division, Department of Fisheries and Oceans, 400-555 West Hastings Street, Vancouver, British Columbia, V6B 5G3.  
Tel. (604) 666-3271; Fax (604) 666-3450.

#### DFO-11

##### **British Columbia Sport Fishing Regulations – Daily Bag Limits for Goose Barnacles and Sea Cucumbers**

The introduction of daily bag limits for goose neck barnacles and sea cucumbers in order to conserve stocks is being proposed. These stocks have come under increasing pressure in recent years because commercial fisheries are harvesting unlimited quantities under the guise of sport fishing. The bag limits are not expected to affect recreational harvesting opportunities in any significant way. Proposed bag limits are as follows: 10 kg of goose barnacles per day and 12 sea cucumbers per day.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number DFO-24.

**Contact:** Wendy Grider, Regulations Officer, Regulations and Enforcement Services Unit, Department of Fisheries and Oceans, 400-555 West Hastings Street, Vancouver, British Columbia, V6B 5G3.  
Tel. (604) 666-6408; Fax (604) 666-3450.

#### DFO-12

##### **British Columbia Sport Fishing Regulations – Sport Fishing in Tidal Waters**

This amendment will permit sport fishers to use electrically powered downriggers in tidal waters. Current evidence indicates that the catching efficiency of electrically powered downriggers in the salmon fishery is not different from hand-operated downriggers and therefore will not affect the conservation of salmon. Fishers in other sport fisheries will also be permitted to use electrically powered downriggers. This amendment is consistent with current practice in non-tidal waters of British Columbia.

An amendment is proposed to remove the quota on returning "Jacks" (chinook salmon between 30 cm and 50 cm in length) in the tidal portion of the Fraser River. The introduction of daily and annual quotas for chinook over 50 cm for these same waters is also being proposed. This will be consistent with the quota system used in the non-tidal waters of the Fraser River, and will help to maximize fishing opportunities by providing more options for managing this fishery.

The establishment of separate size limits and quotas for marked hatchery fish and wild fish is proposed. Marked hatchery-raised chinook and coho are distinguishable from their wild counterparts because they have had their fins clipped. The use of separate quotas for marked hatchery-raised and wild stocks of these salmon species will maximize fishing opportunities.

A yearly bag limit for lingcod will be introduced. In addition, a number of amendments will be required regarding other quotas, close times, areas, gear, species and size limits as specific changing circumstances dictate.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number DFO-23.

**Contact:** Wendy Grider, Regulations Officer, Regulations and Enforcement Services Unit, Department of Fisheries and Oceans, 400-555 West Hastings Street, Vancouver, British Columbia, V6B 5G3.  
Tel. (604) 666-6408; Fax (604) 666-3450.

#### DFO-13

##### **British Columbia Sport Fishing Regulations (Non Tidal) – Season, Gear and Catch Limit Changes**

The British Columbia Sport Fishing Regulations regulate sport fishing in the tidal and non-tidal waters of the province of British Columbia. This initiative refers to regulatory initiatives respecting the non-tidal waters of the regulations.

The proposed amendments will mainly affect existing schedules relating to catch quotas, angling closures and angling gear restrictions. Most of the quota changes involve small quota reductions, e.g., in catch and release fisheries, to protect specific size ranges of fish. The intent is to reduce the kill of fish of spawning age and ensure adequate recruitment of young fish. Most angling closures involve specific areas of some lakes or streams at times when fish stocks are concentrated and exceptionally vulnerable to capture. Gear restrictions, such as fly fishing, single hooks, single barbless hooks, and bait bans are designed to ensure that fish that are caught and released will suffer minimal harm and survive at a high rate. Other amendments will be of a housekeeping nature that will not affect anglers or angling.

A further amendment improves access to fishing opportunities for anglers with disabilities. Certain waters within easy access of urban areas have been traditionally reserved by regulation for seniors and young people. The proposed amendment allows anglers with disabilities to fish in these waters upon presentation of an identification card issued by the Province of British Columbia.

Although many season, gear and catch limit changes are proposed, the anticipated impact will be low. Anglers will suffer small reductions in numbers of fish they will be allowed to retain but the effect on angling opportunity will be minimal. The effect on tackle shops, tourist camps and angling guides will also be minimal.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Jennifer Warris, Regulations Co-ordinator, Fisheries Branch, Ministry of Environment, Lands and Parks, 2-780 Blanshard Street, Victoria, British Columbia, V8V 1X4.

Tel. (604) 356-7285; Fax (604) 387-9750.

#### DFO-14

##### **British Columbia Sport Fishing Regulations – Pacific Fishery Regulations, 1993 – Halibut Regulations**

These regulations will be amended to incorporate existing regulatory provisions relating to fishing for halibut. The halibut fishery is currently regulated by the International Pacific Halibut Convention Regulations. The Northern Pacific Halibut Fisheries Convention Act Regulations will be repealed at the same time as the passage of the amendments to these regulations. This will reduce regulatory volume. More importantly, it will provide greater halibut fisheries management flexibility. Fisheries managers will now be able to use the variation

powers provided under the Fisheries Act to vary these regulations in the interests of conservation and effective management.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Wendy Grider, Regulations Officer, Regulations and Enforcement Services Unit, Department of Fisheries and Oceans, 400-555 West Hastings Street, Vancouver, British Columbia, V6B 5G3.

Tel. (604) 666-6408; Fax (604) 666-3450.

#### DFO-15

##### **Coastal Fisheries Protection Regulations – Miscellaneous Amendments**

A review of these regulations has identified the need to make amendments to accommodate inshore vessels (less than 19.8 metres) from Saint Pierre and Miquelon (SPM) that fish in Canadian fisheries waters.

These regulations were originally written with large offshore vessels in mind and many of the provisions cannot be applied in any practical way to inshore vessels.

These amendments, which give effect to Canada's legal commitments and agreements with France, will exempt inshore SPM vessels from paying Canadian licence fees. France does not charge licence fees for inshore Canadian vessels that may fish in its waters; standardize the size of side numbers on foreign vessels with the size of vessel registration numbers on Canadian fishing vessels; exempt the masters of inshore SPM vessels from a number of requirements that apply to all other foreign vessels. Because of the size of inshore SPM vessels (almost all are less than 10 metres), there are a number of specific requirements that are not applicable, e.g., requirement to fly a flag of the flag state, notification of zone entry and exit, etc.; and make it mandatory that all foreign vessels (except inshore SPM vessels) carry observers.

Since 1987, Canadian policy has required all foreign vessels to carry an observer at all times while fishing in Canadian waters. However, the regulation only required masters to take observers on board "if requested", which meant that every foreign licence had to be accompanied by a standard "request".

The amendments will involve minimal cost to the department and no costs for Canadian fishers.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Chris J. Allen, Senior Advisor, Foreign Fishing Policy and Programs, Resource Allocation Branch (Atlantic), Fisheries Operations, Department of Fisheries and Oceans, 200 Kent Street, Ottawa,



Ontario, K1A 0E6.  
Tel. (613) 990-0105; Fax (613) 990-7051.

#### DFO-16

##### **Fish Inspection Regulations – Rewrite of the Regulations**

The Fish Inspection Regulations have been amended several times over the past 25 years to deal with specific needs as they arose. During that time, however, no broad review had been undertaken. There is a need to ensure that these regulations are compatible with Canada's international trade obligations, taking into consideration developments in international standards for fish and fish products. In addition, changes are needed to ensure greater consistency with other federal food regulations and to reflect technological developments in the food processing industry.

Taken together, the changes will enhance the industry's international competitiveness by ensuring that the regulations allow for innovative products and processes. The changes will also address consumer perceptions regarding health and safety of fish and fish products.

The initiative will not impose significant new costs upon industry.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number DFO-26.

**Contact:** C. Prince, A/Director, Inspection Services, department of Fisheries and Oceans, 200 Kent Street, Ottawa, Ontario, K1A 0E6.  
Tel. (613) 990-0412; Fax (613) 990-4668.

#### DFO-17

##### **Manitoba Fishery Regulations, 1987 – Annual Amendments**

These amendments will update schedules of "high quality management" waters and stocked trout waters. High quality management waters are areas where lower-than-usual fishing quotas are set in order to provide sportfishermen with superior fishing opportunities. The added protection afforded in these lakes ensures that a significant proportion of the fish population grows to spawning size. Quotas and size limits are being set at levels designed to achieve these results; revise the table of gill net mesh size limits. Variation orders allow the Minister or director to change close times or fishing quotas and the existing regulations allow the Minister or director to specify a minimum or maximum mesh size for commercial fishing nets. Adjustments are required to some of the mesh sizes; introduce regulations for a border water agreement with

Saskatchewan for Lake of the Prairies. The intention of a border water agreement is to provide a common set of angling regulations for Lake of the Prairies. Saskatchewan has recognized Manitoba as the lead manager for this fishery. User groups from both provinces have been part of the negotiations over the past two years. The introduction of Manitoba creel limits, size limits and season dates for all parts of the lake is also being considered. In addition, it is proposed that anglers may fish in Lake of the Prairies with either a Saskatchewan or a Manitoba angling licence; and amend the regulations to permit the closure of any body of water for a specified time, either for all species or for a specific species, as required for conservation.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Sherman Fraser, Manitoba Fisheries Branch, Department of Natural Resources, Box 20, 1495 St. James Street, Winnipeg, Manitoba, R3H 0W9.  
Tel. (204) 945-7806; Fax (204) 948-2308.

#### DFO-18

##### **Manitoba Fishery Regulations, 1987 – Introduction of Senior Angling Licences**

Consultation with users and the distribution of information to anglers is a high priority to the Fisheries Branch. Because Manitoba's population is aging and senior citizens are active in the fishery, it is important that consultation occur, more information reach these users and that data on their activities be collected. Requiring senior citizens to have an angling licence would enable the Branch to provide this group with angling regulations and other management information. They would then become part of the angling survey that is conducted every five years; valuable management information would become available to the Branch. As with other provinces who require resident senior citizens to have angling licences, the fees are lower than those for the general population and reflect administrative costs and contributions to the Manitoba Fisheries Enhancement Initiative. These new licences would also apply to all Canadian residents over 65 years of age.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Sherman Fraser, Manitoba Fisheries Branch, Department of Natural Resources, Box 20, 1495 St. James Street, Winnipeg, Manitoba, R3H 0W9.  
Tel. (204) 945-7806; Fax (204) 948-2308.

## DFO-19

**Marine Mammal Regulations – Operation of an Aircraft near Seals on Land or Ice**

Section 31 of the Marine Mammal Regulations (MMR), made under the Fisheries Act, will be amended to remove the prohibition against operating an aircraft within 600 m of seals on land or ice to observe seals.

Section 7 of the regulations will be relied upon to ensure that seals remain undisturbed.

This change will make it easier and safer for participants in helicopter seal viewing tours to see the animals, as they will not have to walk so far over rough and broken ice.

No additional costs will be incurred by seal tour companies or by DFO.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Claude Lamarche, Chief, Marine Mammal Programs, Sector Management, Fisheries Operations, 200 Kent Street, Station 1454, Ottawa, Ontario, K1A 0E6.

Tel. (613) 990-0017; Fax (613) 941-2717.

## DFO-20

**Maritime Provinces Fishery Regulations – Salmon Tagging Provisions in Section 71**

Section 71 of the regulations currently provides that any fisher who hooks a salmon is deemed to have caught the fish. As a result, that fisher must affix his or her own tags to the fish. The provision applies to everyone, including fishing guides.

The province of New Brunswick has asked that fishing guides be exempted from the requirements of section 71. Because guides have greater fishing expertise, they are often asked by clients to hook a salmon, which the clients then play and land themselves. Under the current regulations, the guide would have to affix his or her own tags to a salmon hooked for a client. This amendment will exempt Maritime province guides who hook salmon during the course of their guiding duties from having to tag the fish with their own tags. Clients will then tag caught salmon with their own tags, and the fish will count against their quota.

This amendment will have a positive effect on the recreational fishing industry in the Maritime provinces while assuring continued protection to salmon.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Ken Jones, Staff Officer – Anadromous, Fisheries Operations Branch, Department of Fisheries and Oceans, Ottawa, Ontario, K1A 0E6.  
Tel. (613) 990-9910; Fax (613) 990-7051.

## DFO-21

**Ontario Fishing Regulations, 1989 – General Amendments**

The Ontario Fishery Regulations, 1989, will be amended to modify fishing division descriptions, provincial fish sanctuaries, fishing seasons, and size limits, and to make miscellaneous amendments for the conservation and protection of fish.

Fishing division 19 will be divided into two new divisions: division 19 in the east, division 33 in the west. The present area covered by division 19 (Lake Nipigon to the Quebec border) makes it impossible for the Geraldton, Nipigon and Thunder Bay administrative districts of the Northwest Region to apply division-wide regulations, which are easier for anglers to understand than lake-specific regulations.

The west arm of Lake Nipissing is located in the Sudbury District. The balance of the lake is in the North Bay District. Fish populations are discrete. Since portions of the west arm are more than 20 km from the main lake and the fishery is more typical of the surrounding area, the west arm is being removed from division 27 and added to division 15.

Fish sanctuaries are proposed for varying periods of time to protect spawning fish and to allow stocked fish to become established. A number of existing sanctuaries will be redefined to replace old township descriptions. References to Muskeg Bay, Midway Bay and Blind Bay sanctuaries (Eagle Lake, division 22) will be revoked.

A close time for lake herring in division 5 is proposed. This change would reduce the overharvest during late winter when herring are more vulnerable and during the regular ice-fishing season. The season closure would be consistent with the lake trout and whitefish season closure (March 15 to the Friday preceding the second Saturday in May) and would solve the problem of illegally harvested whitefish during the closed season.

It is also proposed that smaller stream mouths with year round open seasons in Northumberland County (division 6) should be closed from January 1 until the last Saturday in April. This would allow a sufficient number of spawning trout upstream to sustain adequate populations.

The following size limits are being proposed: a minimum of 112 cm for muskellunge in a part of division 12 (Ottawa River and Lake St. Francis) and a size range for walleye of 40 to 50 cm in parts of divisions 18 and 19 (upper Spanish River watershed). The minimum size limit for brook trout in Lake E-206 (5022'N, 8623'W) will be removed from the regulations.

New catch limits include five lake herring in division 5; a reduction in yellow perch possession limits on



Brace, Marshal, Ara and Meta Lakes from 50 to 25 fish; a reduction in the muskellunge possession limit from two to one on Lake St. Francis and the Ottawa River in division 12; and a reduction from two to zero on Lac Seul (division 30).

Finally, the use of barbed hooks and live or dead fish as bait will be prohibited on Maskinonge Lake, Hooch Lake, Cloudlet Lake and connecting waters in division 22.

In some areas, new close times and fish sanctuaries may impose some costs on persons engaged in sport fishing and on small businesses associated with sport fishing. Most of the costs will be in the form of some inconvenience to the anglers rather than actual financial loss and hardship. In some locations, there will be reduced participation in the sport fishery. This has been avoided wherever possible by adopting regulations that are least damaging to continued participation, i.e., closing a single lake rather than the entire area.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Andrew Houser, Director, Resource Stewardship and Protection Branch, Ontario Ministry of Natural Resources, P.O. Box 7000, Peterborough, Ontario, K9J 8M5.  
Tel. (705) 740-1244.

#### DFO-22

##### **Pacific Fishery Regulations, 1993 – Bottom Trawl Cod-End Mesh Size – Hecate Strait**

It is proposed to establish a 140 mm minimum mesh size for the last 100 meshes of a bottom trawl net, including the cod-end, while trawling for groundfish in a portion of Hecate Strait. The area affected is bounded on the south by 5251'N on the north by the Canada/U.S. international boundary, on the west by 13200'W in Dixon Entrance and on the east by the mainland of British Columbia. The minimum mesh size for the remainder of the trawl net remains unchanged at 76 mm.

The larger mesh size in the last 100 meshes will allow for escapement of small groundfish, particularly juvenile Pacific cod and flatfish. These small fish are not marketable; their capture means the resource is being wasted and there is a detrimental impact to the long-term health of these stocks. For fishers who have not already voluntarily replaced the last 100 meshes of their nets, there will be minor costs to do so.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number DFO-39.

**Contact:** Wendy Grider, Regulations Officer, Regulations and Enforcement Services Unit,

Department of Fisheries and Oceans,  
400-555 West Hastings Street, Vancouver,  
British Columbia, V6B 5G3.  
Tel. (604) 666-6408; Fax (604) 666-3450.

#### DFO-23

##### **Pacific Fishery Regulations, 1993 – Fishing Gear Provisions and Use of Power Skiffs**

An amendment is proposed to regulate weedline length in gill nets to reduce the incidental by-catch of steelhead salmon when fishing for other species of salmon. By lowering the net with the use of a longer weedline, the steelhead, which normally swim in the top metre of the river, will escape capture. Fishers will be required to adjust their weedline lengths and will face no increase in costs.

To facilitate the identification by enforcement officials of 90-mesh nets, 370 m or less in length, and to help prevent their use in areas where fisheries are restricted to 60 mesh nets, every fifth cork on the corkline of 90 mesh nets will be painted orange. Fishery officers will be able to identify those persons with 90 mesh nets with unpainted corks on board their vessels. The visibility of the nets with painted corks will discourage their use in restricted waters. The cost of painting the corks is minimal.

An amendment is proposed regarding the use of power skiffs to set seine nets in areas 21 and 121 and on the rest of the coast. This amendment increases gear options for fishers involved in the seine fishery while improving the effective management of the salmon seine fishery and the safety of fishers. This change will not pose conservation problems. Nominal costs to fishers will result from this amendment.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number DFO-38.

**Contact:** Wendy Grider, Regulations Officer, Regulations and Enforcement Services Unit, Department of Fisheries and Oceans, 400-555 West Hastings Street, Vancouver, British Columbia, V6B 5G3.  
Tel. (604) 666-6408; Fax (604) 666-3450.

#### DFO-24

##### **Pacific Fishery Regulations, 1993 – Regulation of Groundfish Trip Quotas**

The cancellation of the regulations that set trip quotas for groundfish is being proposed. In place of the regulations, trip quotas will be set as a licence condition. The current regulatory scheme is overly restrictive and does not permit the flexibility to introduce new management concepts and strategies.

The groundfish industry has, over the past three years, been working closely with DFO to develop ways of reducing the complexity of the regulations affecting their industry and permitting the introduction of new initiatives, such as the aggregation of all rockfish into one trip quota.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Ed Zyblut, Groundfish Co-ordinator, Fisheries Management Division, Department of Fisheries and Oceans, 400-555 West Hastings Street, Vancouver, British Columbia, V6B 5G3. Tel. (604) 666-3167; Fax (604) 666-3450.

#### DFO-25

##### **Quebec Fishery Regulations (1990) – Annual Amendments**

The proposed amendments will authorize the Minister of Recreation, Hunting and Fishing to issue all commercial fishing licences following a new provincial administrative agreement. In addition to the minor amendments made to authorized fishing gear, quotas, baits and tagging of salmon, the proposed amendment will allow the Chief of the Wildlife Protection Service to issue variation orders, giving the management system increased flexibility; eliminate the practice of fishing under a spouse's sport fishing licence; revise licence conditions that can be set by the Minister; introduce, namely at the request of outfitters, a short-term sport fishing licence for residents and non-residents; and adjust licence fees in accordance with market conditions.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Gaëtan Hamel, Chief, Regulatory Services, Ministry of Recreation, Hunting and Fishing, 150 René-Lévesque Blvd., 4th Floor, Québec, Québec, G1R 4Y1. Tel. (418) 646-3306; Fax (418) 528-0834.

#### DFO-26

##### **Saskatchewan Fishery Regulations – Rewrite of the Regulations**

These regulations were created by P.C. 1979-1681 and have been amended 15 times in the past 14 years.

The rewrite will revoke provisions no longer needed and make miscellaneous changes related to consistency within the regulations, consistency with the amendments to the Fisheries Act made in January 1991, and consistency between the English and French versions of the regulations. The rewrite will also correct typographical errors. The

regulations will also be updated to reflect current management strategies.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** John Durbin, Sport Fishery Specialist, Saskatchewan Environment and Resource Management, Fisheries Branch, P.O. Box 3003, Prince Albert, Saskatchewan, S6V 6G1. Tel. (306) 953-2869; Fax (306) 953-2300.

#### DFO-27

##### **Yukon Territory Fishery Regulations – Rewrite of the Regulations**

These regulations were last consolidated by C.R.C. 1978, chapter 854, and have been amended many times during the past 15 years.

The rewrite will revoke provisions no longer needed and make changes in connection with new types of sport fishing licences and licence fees. The schedule of commercial fishing will be amended to delete lakes for which quotas have not been allocated and to convert round weights of quotas to their dressed weight equivalents. The requirement for two kinds of licences for commercial salmon fishing will be revoked. A prohibition will be introduced on the unauthorized removal of fish from fish-holding facilities. A number of miscellaneous changes consequential to Fisheries Act amendments made in 1991 will also be made.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Len Mychasiw, A/Chief, Fisheries, Fish and Wildlife Branch, Department of Renewable Resources, P.O. Box 2703, Whitehorse, Yukon, Y1A 2C6. Tel. (403) 667-4363.

#### DFO-28

##### **Various Regulations – Revision of Prescribed Fines for Ticketable Offences**

One of the 1991 amendments to the Fisheries Act was an increase in the maximum fine level for ticketable offences from \$100 to \$1,000. The regulations made under the Act will be reviewed to determine whether any of the existing fines should be increased and whether any of the more serious offences should be added to the lists of ticketable offences.

The regulations will be more efficiently enforced if a wider range of offences is covered by set fines. Enforcement staff will be able to use their time more productively by issuing tickets for certain offences rather than having to take cases to court. This will result in cost savings to the department and will



ease the burden somewhat on the court system. There will be no impact on the law-abiding public.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number DFO-1.

**Contact:** D.J. Denny, Chief, Regulations Division, Strategic Policy and Planning, Department of Fisheries and Oceans, 200 Kent Street, Ottawa, Ontario, K1A 0E6.

Tel. (613) 990-0110; Fax (613) 990-9574.

## Future Initiatives

### Alberta Fishery Regulations – Bull Trout and Walleye

Sportfishing pressure continues to increase for a number of preferred species. Conservation of bull trout populations in foothills and mountain streams and the recovery of walleye populations in lakes will be addressed in future regulatory changes.

Alternatives now under review are the status quo, catch and release fishing, closed seasons and minimum size limits.

Management plans will be developed through involvement and consultation processes with sportfishing organizations and the public.

**Contact:** Morley Barrett, Director, Fisheries Management Division, Fish and Wildlife Services, Alberta Environmental Protection, Main Floor, North Tower, Petroleum Plaza, 9945 – 108 Street, Edmonton, Alberta, T5K 2G6.

Tel. (403) 427-6730; Fax (403) 422-9559.

### British Columbia Sport Fishing Regulations – Rewrite of the Regulations

The British Columbia Sport Fishing Regulations were enacted in 1982. Since that time, there have been numerous amendments to these regulations in response to the dynamics of managing a quickly developing multi-species fishery. The purpose of the rewrite is to simplify the regulations for recreational fishery and to provide flexibility to implement new and innovative management regimes to maximize fishing opportunities and at the same time conserve and protect the fisheries resource.

Major amendments to the current regulations were considered as an alternative to the rewrite but were rejected because this could not accomplish the objective of simplifying the regulations. The status quo was also rejected because flexibility was deemed essential.

The department will consult with the Sport Fishing Advisory Board and numerous local sport fishing advisory groups and committees.

**Contact:** Wendy Grider, Regulations Officer, Regulations and Enforcement Services Unit, Department of Fisheries and Oceans, 400-555 West Hastings Street, Vancouver, British Columbia, V6B 5G3.

Tel. (604) 666-6408; Fax (604) 666-3450.

### Miscellaneous Regulatory Amendments – Land Claim Settlements

Several fisheries regulations that were brought into effect before the settlement of a number of land claims agreements in the Northwest Territories may have to be amended. Once the various fish and wildlife management boards become operational in each claim area, they will be making decisions that will affect the current regulations. Attempts will be made to manage by policy, but, in some cases, regulatory amendments may be required.

For example, the Nunavut Land Claim Agreement in the Northwest Territories creates a wildlife management board. Once the Nunavut wildlife management board becomes fully operational, it will be making decisions that affect the Marine Mammal Regulations, the Fishery (General) Regulations and the Northwest Territories Fishery Regulations, among others.

These amendments will harmonize the regulations with the various land claim agreements.

Consultations will be undertaken as specified in each land claim agreement. Consultations will also be held with non-native stakeholders through meetings or written notification.

**Contact:** Grant Pryzyk, Co-ordinator, Legislation and Compliance, Central and Arctic Region, Department of Fisheries and Oceans, P.O. Box 2310, Yellowknife, NT, X1A 2P7.

Tel. (403) 920-6635; Fax (403) 873-8871.

### Newfoundland Fishery Regulations – Rewrite of the Regulations

As a result of two regulatory consolidation exercises, one effective on January 8, 1986, and the other on February 24, 1993, some 52 provisions of the Newfoundland Fishery Regulations were revoked. Most were transferred to the Atlantic Fishery Regulations, 1985, and to the Fishery (General) Regulations. What is left of the original regulations is disjointed and difficult to read. To restore continuity, a complete rewrite is necessary.

The rewrite will, in the main, be a consolidation of the existing regulations. It will likely result in the

transfer of some further provisions to the Atlantic Fishery Regulations, 1985.

**Contact:** Lawrence H. Reilly, Staff Officer Legislation, Department of Fisheries and Oceans, P.O. Box 5667, St. John's, Newfoundland, A1C 5X1. Tel. (709) 772-4416; Fax (709) 772-2046.

### **Northwest Territories Fishery Regulations – Rewrite of the Regulations**

These regulations have not undergone a major review since they were promulgated in 1954. The regulations will be revised extensively to clarify their intent and application. The rewrite will remove inconsistencies, eliminate outdated provisions, and remove licence residency requirements. New initiatives are an expanded list of fish species to which the regulations will apply and the addition of marine plants, close times for all fisheries, and a ticketing system for certain offences.

The resulting regulations will be simpler, easier to understand and consistent with other federal legislation. These changes will improve fishery management and provide for easier access to fishery resources by departmental clients. Efficiency of enforcement will be increased.

The regulations will also be amended to implement the requirements of the Gwich'in Land Claims Agreement, the Sahtu Land Claims Agreement and the Nunavut Land Claims Agreement.

**Contact:** Grant Pryznyk, Co-ordinator Legislation and Compliance, Central and Arctic Region, Department of Fisheries and Oceans, P.O. Box 2310, Yellowknife, NT, X1A 2P7. Tel. (403) 920-6635; Fax (403) 873-8871.

### **Pacific Fishery Regulations, 1993 – Pacific Commercial Licensing Policy Changes**

Amendments will be proposed for implementation in the 1995 licensing year that will allow for changes in the licensing of commercial fisheries. Changes will be made in accordance with policy directions and objectives developed in the Pacific Region Licensing Policy Review. Provisions will remove inconsistencies and outdated requirements, improve management of the fisheries, facilitate the administration of the licensing system, and improve enforcement of the regulations.

The public and industry will continue to be actively engaged through the Licence Policy Review process. Potential impacts range from improved service to the industry to long-term management and conservation improvements.

**Contact:** Stephen Brownlee, Manager, Commercial Licence Unit, Department of Fisheries and Oceans, 400-555 West Hastings Street, Vancouver,

British Columbia, V6B 5G3.

Tel. (604) 666-2076; Fax (604) 666-3450.

### **Quebec Fishery Regulations, 1990**

Each year, amendments to the Quebec Fishery Regulations, 1990 are required to improve their enforceability, to adjust to changing circumstances and to adjust licence fees. In the latter case, the possibility of establishing licence fees under provincial legislation is now being studied.

Consultations are required for all amendments, which are first considered by regional managers once the views of clients have been obtained.

**Contact:** Gaëtan Hamel, Chief, Regulations, Ministry of Fishing, Hunting and Recreation, 150 René-Lévesque Blvd., 4th Floor, Québec, Quebec, G1R 4Y1.

Tel. (418) 646-3306; Fax (418) 528-0834.

### **Saskatchewan Fishery Regulations – Amendments Regarding Licensing in Consequence of New Provincial Legislation**

Licence fees can be established under provincial legislation. The regulations will be amended to recognize the establishment of licence fees under provincial legislation rather than under the Fisheries Act. The Saskatchewan Legislature is expected to consider a rewrite of provincial fisheries legislation in the spring of 1994. This Act will provide for the licensing of all fishing activities, except aboriginal fishing, by the province. The regulations will require an amendment when that legislation is approved by the province of Saskatchewan.

A communication strategy will be developed by Saskatchewan Environment and Resource Management to inform stakeholders about the new Act and the pending changes to the Saskatchewan Fishery Regulations prior to implementing these regulatory changes.

**Contact:** Merv Swanson, Director, Fisheries Branch, Saskatchewan Environment and Resource Management, 3211 Albert St., Regina, Saskatchewan, S4S 5W6.

Tel. (306) 787-2884; Fax (306) 787-0737.

### **Ontario Fishery Regulations, 1989 – Border Water Angling and General Amendments**

Amendments that address the allocation of fish stocks on the Ontario-Minnesota border in Lake of the Woods and Rainy Lake are being introduced. Consultations in the U.S. and in Canada are now taking place and joint groups made up of Canadian and American representatives are now meeting. Certain amendments will deal with the establishment of different bass and walleye quotas that are based on residency status. Long-term amendments will



also deal with the Daily Border Water Angling Validation Tag, which was created under the Ontario Game and Fish Act, 1980, and has been a source of controversy in the past.

Fisheries advisory committees will continue to assess these measures, as well as others, before they are introduced in the regulations.

**Contact:** Andrew Houser, Director, Resource Stewardship and Protection Branch, Ontario Ministry of Natural Resources, P.O. Box 7000, Peterborough, Ontario, K9J 8M5.

Tel. (705) 740-1244.

# Foreign Affairs and International Trade, Department of

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- Diplomatic and Consular Privileges and Immunities Act
- Privileges and Immunities (International Organizations Act)
- United Nations Air Services Act
- Food and Agriculture Organization of the United Nations Act
- International Boundary Waters Treaty Act
- Rainy Lake Watershed Emergency Control
- Roosevelt Campobello International Park Commission Act

### Initiatives for 1994

#### FAIT-1

##### Export Control List

This regulatory initiative is intended to address amendments to the national and international export controls as detailed in the Export Control List of January 1993.

These changes will result in a new Export Control List covering Canada's bilateral and multilateral international agreements, particularly in light of changes made in COCOM and the various non-proliferation regimes such as NSG, MTCR and Australia Group.

**Classification:** Intermediate cost

**Status:** This is a recurring initiative.

**Contact:** Thomas E. Jones, Deputy Director (Technology), Export Controls Division (EPE), Department of Foreign Affairs and International Trade, Ottawa, Ontario, K1N 9K6.  
Tel. (613) 996-0197.

#### FAIT-2

##### General Export Permits

This regulatory initiative is intended to address amendment to existing General Export Permits (GEP) to be consistent with changes being made to the Export Control List in 1994.

These changes will amend current regulations in order to help to streamline the Export Control process for the benefit of the Canadian exporting community.

**Classification:** Low cost

**Status:** This is a recurring initiative.

**Contact:** Thomas E. Jones, Deputy Director (Technology), Export Controls Division (EPE),

## General Information

### Roles and Responsibilities

The Department of Foreign Affairs and International Trade promotes and protects Canadian interests abroad and manages Canada's external relations. Major components of the program are foreign policy priorities and co-ordination; international trade development; international economic trade and aid policy; political and international security affairs; legal, immigration and consular affairs; communications and culture; bilateral relations and operations; operational support; human resource planning and administration.

### Legislative Mandate

The Department of Foreign Affairs and International Trade derives legislative authority from the Department of External Affairs Act.

In the economic field, the Export and Import Permits Act gives the government the authority to control and monitor the transborder flow of specified goods. Other enabling legislation governing Canada's international obligations include:



Department of Foreign Affairs and International Trade, Ottawa, Ontario, K1N 9K6.  
Tel. (613) 996-0197.

#### FAIT-3

##### **Export Permit Regulations**

This regulatory initiative is intended to address amendments to the Export Permit Regulations to bring them up to date and to be consistent with the period of validity of permits and the new permit application form.

These changes will result in consistency with current practices covered by the Export Permit Regulations.

**Classification:** Low cost

**Status:** This is a recurring initiative.

**Contact:** Thomas E. Jones, Deputy Director (Technology), Export Controls Division (EPE), Department of Foreign Affairs and International Trade, Ottawa, Ontario, K1N 9K6.  
Tel. (613) 996-0197.

#### FAIT-4

##### **General Import Permits – Textiles and Clothing**

The General Import Permits for textiles and clothing (numbers 4 and 10) will be revised in order to reduce the paperburden for small shipments. Another revision will provide access to the General Import Permits for Canada-made goods returning to Canada.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Federal Regulatory Plan as initiative number EAITC-1.

**Contact:** Louis Gionet, Import Controls Division I (EPT), Export and Import Permits Bureau, Department of Foreign Affairs and International Trade, Ottawa, Ontario, K1N 9K6.  
Tel. (613) 995-8367.

#### FAIT-5

##### **Import Control List – Harmonized System**

In 1988, Canada adopted the Harmonized Commodity Description and Coding System (HS). The adoption of the HS has made it necessary to revise the Import Control List for textiles and clothing in order to conform with the different coding structure found in the HS.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Greig Lund, Import Controls Division I (EPT), Export and Import Permits Bureau, Department of Foreign Affairs and International Trade, Ottawa, Ontario, K1N 9K6.  
Tel. (613) 996-5775.

#### FAIT-6

##### **Import Control List – Textiles and Clothing**

Canada has bilateral restraint arrangements with various low-cost sources of textiles and clothing. Many of these arrangements are scheduled to expire on December 31, 1993 but it is anticipated that they will either be renewed or superseded by an alternative restraint system. As a result, goods included on the Import Control List pursuant to bilateral restraint arrangements will be renewed or deleted from the list to implement the restraint system in operation at that time.

**Classification:** Low cost

**Status:** This is a recurring initiative.

**Contact:** Michael Fine, Import Controls Division I (EPT), Export and Import Permits Bureau, Department of Foreign Affairs and International Trade, Ottawa, Ontario, K1N 9K6.  
Tel. (613) 996-5361.

#### FAIT-7

##### **Import Control List – Steel Import Monitoring**

An import monitoring program is in place for carbon and specialty steel. Under this program permits (which are issued on request, for a processing fee) are required for all imports of such steel exceeding \$5,000 in value. The purpose of the program is to obtain timely and accurate information on imports in world steel trade conditions characterized by surplus supply, depressed markets, and widespread non-tariff barriers to trade. The program is scheduled to expire on August 31, 1994, unless it appears advisable to further extend it; no decision has been taken on this matter yet.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Keith Munro, Import Controls Division I (EPM), Export and Import Permits Bureau, Department of Foreign Affairs and International Trade, Ottawa, Ontario, K1N 9K6.  
Tel. (613) 996-2591.

#### FAIT-8

##### **Regulations to Implement the Agreements reached under the General Agreement on Tariffs and Trade in the Uruguay Round of Multilateral Trade Negotiations**

Depending on the outcome of the Uruguay Round of multilateral trade negotiations under the General Agreement on Tariffs and Trade, it may be necessary for responsible departments to adopt new regulations or amend existing ones under a number of Acts. These include the Customs Act, the Customs Tariff, the Excise Act, the Export and Import Permits Act, the Financial Administration Act,

the Food and Drugs Act, the Immigration Act, the Importation of Intoxicating Liquors Act, the Investment Canada Act, the Meat Inspection Act, the National Energy Board Act, the Special Import Measures Act and the implementing legislation for the agreements.

**Classification:** Major

**Status:** This is a new initiative.

**Contact:** Jonathan T. Fried, Principal Counsel, Trade Law Division, Department of Foreign Affairs and International Trade, Ottawa, Ontario, K1A 0G2.  
Tel. (613) 944-9175; Fax (613) 944-3213.

#### FAIT-9

##### **Privileges and Immunities Order**

In order to respect its international obligations, the Government of Canada is obliged to grant privileges and immunities to different international organisations exercising some activities in Canada. Similarly, the Government of Canada is host each year to a number of international meetings and conferences. As host country Canada is obliged to grant privileges and immunities to the organisers and participants in these meetings to such extent as may be required for the exercise of their functions.

Such Orders are for the benefit of foreign representatives attending those international conferences and we anticipate no impact on any of the sectors of the Canadian economy.

**Classification:** Low cost

**Status:** This is a recurring initiative.

**Contact:** Donald W. Smith, Director, Legal Advisory Division, Department of Foreign Affairs and International Trade, Ottawa, Ontario, K1N 9K6.  
Tel. (613) 992-6296.



## **Forestry, Department of**

This department is now part of the Department of Natural Resources.

# Health, Department of

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## **General Information**

### **Roles and Responsibilities**

The Department of Health is responsible for promoting and preserving the health, safety and well-being of the people of Canada over which the Parliament of Canada has jurisdiction. Major examples of these responsibilities include administration of legislation relating to the health and safety of the people of Canada and the protection, preservation and improvement of the health of the Canadian public. These responsibilities encompass investigation and research into public health; information services relating to health conditions and practices; health services for Indian and Inuit people, residents of the Yukon Territory, federal government employees and civil aviation personnel; public health matters affecting Canada's boundary with the United States; co-operation and co-ordination with provincial governments on matters of health, safety and well-being; and collection, publication and distribution of information relating to health, safety and well-being.

Departmental responsibilities and activities are focused on the following principal objectives: universal access for all Canadians to quality health services; protection against disease and environmental and other hazards; promotion of healthy lifestyles and physical fitness; and promotion of health and well-being.

Departmental programs are administered by three branches, each headed by an assistant deputy Minister: the Health Protection Branch, the Medical Services Branch and the Health Programs and Services Branch.

### **Legislative mandate**

The following Acts are administered in whole or in part by the Minister of National Health and Welfare:

- Department of National Health and Welfare Act
- Food and Drugs Act
- Narcotic Control Act
- Radiation Emitting Devices Act
- Hazardous Products Act
- Quarantine Act

- Canada Health Act
- Federal/Provincial Fiscal Arrangements and Established Programs Financing Act, 1977
- Health Resources Fund Act
- Medical Research Council Act
- Canada Medical Act
- Fitness and Amateur Sport Act
- Tobacco Products Control Act
- Canadian Environment Protection Act
- Canadian Centre on Substance Abuse Act
- Patent Act
- Queen Elizabeth II Canadian Research Fund Act
- Sport Pool and Loto Canada Winding-Up Act

## Administrative Arrangements

- Atomic Energy Control Act
- Excise Tax Act
- Indian Act
- Canada Shipping Act
- Aeronautics Act
- Broadcasting Act
- Energy Supplies Emergency Act
- Emergency Preparedness Act
- National Parks Act
- Railway Act
- Pest Control Products Act
- Pesticide Residue Compensation Act
- Tobacco Restraint Act
- Trademarks Act

## Initiatives for 1994

### HC-1

#### Non-medicinal Ingredient Labelling

The Drugs Directorate has proposed that manufacturers of drug products disclose non-medicinal ingredients on their labels in addition to the current medicinal ingredient disclosure. The declaration of such ingredients on product labels would enable individuals who are allergic or sensitive to avoid those agents known to cause adverse reactions and to identify the causative agent in such reactions.

The cost of relabelling drug products is outweighed by the benefit to consumers who have serious reactions to small amounts of non-medicinal ingredients. The manufacturers' cost manufacturers will be minimized by postponing the regulatory amendments for two years.

This proposal has been the subject of a broad-based consultation with all segments of the affected industry, professional associations and consumer groups through the information letter

process, *Canada Gazette*, Part I, on December 2, 1989, and meetings with interested parties.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number HWC-1.

**Contact:** Elizabeth A. Rafuse, Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2.

Tel. (613) 957-0372; Fax (613) 941-6458.

### HC-2

#### Notifiable Changes for New Drugs

The issue of a Notice of Compliance for a new drug is followed on average by three supplemental new drug submissions. This volume of work, both for manufacturers in filing the information and the Drugs Directorate in the review of the information, can be reduced through a notification system for minor changes.

These amendments would allow notification of simple changes rather than require a supplemental new drug submission, thereby reducing the number of supplemental new drug submissions.

This initiative reduces the administrative burden for the government and industry caused by minor changes to drug products. Also, the initiative reduces the volume of interpretation requests by industry for individual drug products.

Notifiable changes were the subject of a broad-based consultation with all segments of the affected industry, professional associations and consumer groups through the Information Letter process.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number HWC-4.

**Contact:** Elizabeth A. Rafuse, Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2.

Tel. (613) 957-0372; Fax (613) 941-6458.

### HC-3

#### Investigational New Drug Submissions

An investigational new drug (IND) submission must be filed with the government in order to test a new human or veterinary drug. These amendments revise the requirements for an IND submission.

The revisions will increase the efficiency and effectiveness of government review of IND submissions, allow manufacturers greater flexibility,



and enact measures to increase patient information and safety.

The pharmaceutical industry and research community have been consulted with respect to the proposal. The benefit to industry would be the clarification and case facilitation in conducting clinical studies in Canada, thereby increasing the opportunities for clinical trials. Costs to industry are in the nature of an investment in research and development.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number HWC-5.

**Contact:** Elizabeth A. Rafuse, Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2.

Tel. (613) 957-0372; Fax (613) 941-6458.

#### HC-4

##### **Food and Drugs Act and Regulations – Schedules A, D, G and F – Additions/Deletions/Corrections**

Various amendments as required will change Schedule A (diseases), Schedule D (biologicals) and Schedule G (controlled drugs) to the Food and Drugs Act, and to Schedule F (prescription drugs) to the Food and Drug Regulations.

Additions to the schedules relate to drug products whose manufacturers have requested or already anticipate the inclusion of the drug in the schedule. Deletions and corrections will be made subsequent to consultation with the affected parties.

**Classification:** Low cost

**Status:** This is a recurring initiative.

**Contact:** Elizabeth A. Rafuse, Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2.

Tel. (613) 957-0372; Fax (613) 941-6458.

#### HC-5

##### **Canadian Agent for Imported Drugs**

Manufacturers and importers are required to designate a Canadian representative with a Canadian address to take the responsibility for products sold in Canada. Current regulations do not specify the type of address required, with the result that addresses in the United States or post office boxes are often used. This situation prevents the department from serving notices when required. This amendment clarifies the requirement for a Canadian name and a physical address to appear on the label of all drugs.

This amendment will have a minor impact on the industry. Most, if not all, importers already designate a representative with a Canadian address who will take the responsibility for the product sold in Canada. Importers not currently complying with this regulation will need to revise their labels. An implementation date of one year from the date of publication in the *Canada Gazette*, Part II will be provided to importers to effect the required labelling changes.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number HWC-8.

**Contact:** Elizabeth A. Rafuse, Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2.

Tel. (613) 957-0372; Fax (613) 941-6458.

#### HC-6

##### **Housekeeping Changes to Drug Regulations**

These amendments pertain to typographical, spelling, translation, numbering and other inconsistencies in the regulations that require correction. These proposals correct previously considered amendments.

**Classification:** Low cost

**Status:** This is a recurring initiative.

**Contact:** Elizabeth A. Rafuse, Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2.

Tel. (613) 957-0372; Fax (613) 941-6458.

#### HC-7

##### **Drug Colouring Agents – Additions/Deletions/Corrections**

This action adds, deletes, or corrects entries to the lists of colouring agents permitted in drugs for internal or external use.

**Classification:** Low cost

**Status:** This is a recurring initiative.

**Contact:** Elizabeth A. Rafuse, Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2.

Tel. (613) 957-0372; Fax (613) 941-6458.

#### HC-8

##### **Restricted and Narcotic Drugs**

Amendments, when required, will add drugs to Schedule H to the Food and Drugs Act and the Schedule to the Narcotic Control Act to prevent the illicit use of these drugs.

**Classification:** Low cost

**Status:** This is a recurring initiative.

**Contact:** Elizabeth A. Rafuse, Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2.  
Tel. (613) 957-0372; Fax (613) 941-6458.

#### HC-9

##### **Special Access Scheme – Emergency Drug Release Program**

Under the emergency drug release provisions of the current regulations the Drugs Directorate can authorize a manufacturer to release a stated quantity of an investigational new drug to a specific physician for a particular patient for a medical emergency. This amendment would allow the directorate to provide one authorization to a manufacturer for the release of a stated quantity of an emergency drug to a number of physicians for a number of patients.

The intent is to improve the efficiency of this service by providing a mechanism for making a new drug available to patients with serious and life-threatening disease as early as possible.

Any additional cost to the manufacturer associated with this initiative should be more than offset by increased profit opportunities. The public will benefit in terms of more effective access to emergency drugs and increased safety. Health professionals will benefit by having better access to emergency drugs, increased efficiencies and better patient counselling opportunities. Government will also benefit from decreased workloads in processing requests.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number HWC-14.

**Contact:** Elizabeth A. Rafuse, Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2.  
Tel. (613) 957-0372; Fax (613) 941-6458.

#### HC-10

##### **Amendment to Part V of the Medical Devices Regulations**

Part V of the Medical Devices Regulations pertains mainly to devices designed to be implanted in the human body for 30 days or more. Part V requires manufacturers of these devices to submit evidence of the safety and effectiveness of their devices to the department prior to selling them in Canada.

The department has administratively permitted the continued sale of a Part V device in the situation

where the ownership of a firm changes, provided that the new owner confirms that the characteristics of the device will remain unchanged. This administrative practice was found to be inconsistent with the requirements of the regulations in that the regulations technically require the new owner to stop the sale of the devices in this situation. This amendment will modify the regulations so as to sanction the administrative procedure followed by the department since 1988, thereby permitting the continued sale of these devices.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number HWC-38.

**Contact:** Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2.  
Tel. (613) 957-3142; Fax (613) 954-2486

#### HC-11

##### **Parenteral Requirements**

Current regulations do not require pharmaceutical manufacturers to inspect containers of parenteral drugs (those administered by injection) in order to ensure that the containers are free from visible contaminants and from pyrogens (fever-producing substances).

This amendment will require manufacturers to conduct inspections of a parenteral drug in its final container and to test for the presence of pyrogens. Individual containers which show evidence of contamination with visible foreign matter and lots not passing the pyrogen test will be rejected. This amendment is not expected to pose a major cost burden to the industry as the majority of drug manufacturers currently inspect the contents to meet compendial requirements. The benefit will be to the health of Canadians who will be assured that parenteral drugs are contaminant-free.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number HWC-16.

**Contact:** Elizabeth A. Rafuse, Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2.  
Tel. (613) 957-0372; Fax (613) 941-6458.

#### HC-12

##### **Screening, Review and Approval of New Drug Submissions**

This regulatory initiative streamlines the process of reviewing new drug submissions from pharmaceutical manufacturers by ensuring that



submissions are screened and that deficient submissions are dealt with expeditiously before the submission is accepted for review. Also, provision is made for the marketing of new drugs on a conditional basis within specific parameters.

The major pharmaceutical associations have been consulted and agree in principle with this proposal. There should be a minimal cost impact for industry since the information must be filed in any event. Any additional costs will be more than offset by facilitating the review process. Canadians will benefit from this initiative through the more timely availability of new drug therapies.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number HWC-18.

**Contact:** Elizabeth A. Rafuse, Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2.

Tel. (613) 957-0372; Fax (613) 941-6458.

#### HC-13

##### **Psychoactive Substances Control Regulations**

On the passage of the Psychoactive Substances Control Bill, regulations will be initiated that consolidate current drug control legislation found in the Narcotic Control Regulations and Parts G and J of the Food and Drug Regulations. These regulations will be modernized and enhanced in keeping with principles of regulatory review by eliminating provisions that may no longer be justified, correcting identified problems, and allowing greater client flexibility in responding to basic regulatory requirements. The initiative will also introduce any new regulations called for by the Act. This initiative is primarily a consolidation of existing regulations. However, there will be some additional cost implications to industry resulting from new requirements to comply with international conventions to which Canada is a signatory.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number HWC-20.

**Contact:** Elizabeth A. Rafuse, Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2.

Tel. (613) 957-0372; Fax (613) 941-6458.

#### HC-14

##### **Federal Declaration of Drug Product Bioequivalency**

This regulatory initiative will establish a regulatory framework for abbreviated new drug submission for

second entry (generic) products and will provide for a federal declaration of equivalence.

These amendments will define specific requirements for an abbreviated new drug submission. The declaration of equivalence will assist provincial drug programs in determining additions to their drug formularies for benefit programs.

The federal declaration of equivalence will benefit provincial governments by eliminating a requirement to review the bioequivalence of drug products. The Canadian public will benefit through the decreased costs of a centralized process to assess the bioequivalence data for generic drugs. Since the federal government already reviews bioequivalence data for generic drugs, no additional cost will be incurred at this level of government. In fact, the streamlining of the information to be reviewed will be a positive benefit of these regulations. Manufacturers of generic drugs will benefit by the streamlining of the requirements to show the safety and effectiveness of their products. There should be no additional cost to manufacturers. In addition, the declaration of equivalence will assist in the decision to include a generic product in a provincial drug plan.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number HWC-21.

**Contact:** Elizabeth A. Rafuse, Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2.

Tel. (613) 957-0372; Fax (613) 941-6458.

#### HC-15

##### **Adverse Drug Reaction Reporting**

Currently, adverse drug reaction reports are only required for new drugs. The amendment would extend the requirement for manufacturers to report adverse drug reactions (ADRs) to all drugs.

These amendments harmonize Canadian definitions for adverse drug reactions with international standards.

The additional cost burden on drug manufacturers will be outweighed by the positive impact on the health and safety of Canadians, decreased regulatory requirements, and a more efficient and effective monitoring process.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number HWC-22.

**Contact:** Elizabeth A. Rafuse, Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2.

Tel. (613) 957-0372; Fax (613) 941-6458.

## HC-16

**Child-Resistant Packaging for Certain Cosmetic Products**

Certain ingredients contained in cosmetics have been the cause of poisonings in children due to accidental ingestion. This initiative intends to amend the Cosmetic Regulations to require child-resistant packaging and cautionary labelling for permanent wave neutralizers containing more than 50 mg of potassium or 600 mg of sodium bromate, liquid cosmetics containing 5 ml or more of methanol, and liquid cosmetics containing more than 500 mg of acetonitrile.

The economic impact of the changes required by this regulatory initiative will be minimized by providing a one-year implementation period to allow manufacturers to deplete current label stocks. Any additional costs will be more than offset by the decrease in the risk of child poisoning.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number HWC-23.

**Contact:** E.A. Rafuse, Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2.

Tel. (613) 957-0372; Fax (613) 941-6458.

## HC-17

**Advertising of Certain Analgesics**

This initiative will amend the Food and Drug Regulations to allow the advertising of "extra strength" acetaminophen and acetylsalicylic acid products (i.e., 500, 650 and 975 mg) to the general public. A review of safety and other concerns revealed that current restrictions allowing only the name, price and quantity of these products to be advertised were no longer justified.

This regulation will have a positive impact on consumers, by increasing the amount of information available to the public about these products, and on manufacturers of extra strength salicylate and acetaminophen products, by allowing them to advertise their products.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number HWC-24.

**Contact:** Elizabeth A. Rafuse, Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2.

Tel. (613) 957-0372; Fax (613) 941-6458.

## HC-18

**Good Manufacturing Practices for Biologics**

This regulatory initiative will prescribe standards for the manufacture, control and distribution of biological drugs (e.g., vaccines, blood products) intended for use in humans.

At present, regulatory requirements for Good Manufacturing Practices (GMP) do not exist for Schedule D drugs. As a condition of the issuance and continuation of a licence, periodic on-site inspections of manufacturing facilities are carried out to ensure adherence to the GMP.

This proposal has been the subject of broad-based consultation with all segments of the affected industry, professional associations and consumer groups through the Information Letter process.

Manufacturers will benefit from a clearer and more efficient regulatory scheme, and Canadian standards will be harmonized with those of other countries.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Elizabeth A. Rafuse, Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2.

Tel. (613) 957-0372; Fax (613) 941-6458.

## HC-19

**Artificial Insemination**

This regulatory initiative will regulate the selling, use or processing of semen for the purpose of artificial insemination in Canada. The regulations will propose provisions for the recipient to receive information about the donor; the recipient's consent to the procedure; the standards for donor suitability; the criteria for the collection, utilization, quality, identification and processing of semen; the manufacturing responsibility; and the records.

Regulating the use and processing of human sperm will promote health and safety. These benefits far outweigh any costs associated with this regulatory initiative.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Elizabeth A. Rafuse, Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2.

Tel. (613) 957-0372; Fax (613) 941-6458.

## HC-20

**Modified Release**

Due to progress in pharmaceutical technology, the number of oral dosage forms with modified release



characteristics has increased. The current regulations relating to the release of a drug apply only to extended release oral dosage forms. Products designed for immediate or delayed release are excluded.

These amendments will modernize the requirements of the Food and Drug Regulations in the light of the changes in technology and apply to all modified release products in oral dosage form. An exemption from the tablet disintegration test will be provided for these products.

This amendment clarifies the wording and intent of the existing regulation and reflects the present policy of the Drugs Directorate with respect to the evaluation of modified release oral dosage forms.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Elizabeth A. Rafuse, Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2.

Tel. (613) 957-0372; Fax (613) 941-6458.

## HC-21

### Revisions to Schedule B Publications

Schedule B to the Food and Drugs Act is a listing of official publications containing standards with which drugs must comply if a standard has not been prescribed for those drugs in the Food and Drug Regulations. The publications in Schedule B are revised regularly to include updated data respecting drug monographs.

This amendment ensures that Schedule B will reflect the current editions and addenda of all publications included in the schedule.

There should be no additional cost burden to the industry as a result of this amendment. The public will benefit from having regulatory standards which are up to date and accurate.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Elizabeth A. Rafuse, Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2.

Tel. (613) 957-0372; Fax (613) 941-6458.

## HC-22

### Conjugated Estrogens

The current Canadian standard for conjugated estrogens is based on 1970 criteria. An interim standard developed and published in the United States will be considered in the development of a standard.

This amendment will provide manufacturers with a Canadian standard for conjugated estrogens that reflects current technology and practice. The cost to industry is unknown but the standard has been anticipated for several years.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Elizabeth A. Rafuse, Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2.

Tel. (613) 957-0372; Fax (613) 941-6458.

## HC-23

### Manufacturers' Standards

Current regulations require that solid oral dosage form products labelled to a manufacturer's standard meet official standards only with respect to purity and potency. International standards now require dissolution testing in addition to purity and potency measurements to demonstrate that the drug is available in the body when used by the patient.

These amendments to the Food and Drug Regulations will require dissolution testing for drugs in solid oral dosage forms.

This regulation should have minimal cost implications for manufacturers since most are already using dissolution tests in the context of good manufacturing practice and to assure lot-to-lot consistency.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Elizabeth A. Rafuse, Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2.

Tel. (613) 957-0372; Fax (613) 941-6458.

## HC-24

### DIN Information Requirements

Under current regulations, when changing the use or purpose for which a drug is recommended, or the recommended dosage of a drug, pharmaceutical manufacturers must notify the Drugs Directorate within thirty days of the change. This regulatory amendment will require manufacturers to notify the directorate prior to the sale of the product when its use or purpose or the recommended dosage has changed. This will ensure that proposed new uses or dosages for a drug product are reviewed and approved before it is put on the market.

The impact on manufacturers will be minimal since the regulations already require notification of changes. The amendment requires notification prior to the sale of the product rather than 30 days after.

This amendment will protect the health of Canadians as changes to the recommended use will be reviewed prior to the marketing of a drug.

Manufacturers will have the opportunity to provide additional information regarding any concerns and request the decision be reconsidered.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Elizabeth A. Rafuse, Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2.

Tel. (613) 957-0372; Fax (613) 941-6458.

#### HC-25

##### **Drug Monograph for New Drugs Submissions/DINs**

These amendments will require pharmaceutical manufacturers to submit a draft drug monograph (a detailed, factual, scientific description of drug products devoid of promotional material) as part of a drug application. The Drugs Directorate will maintain a standardized Official Drug Monograph (ODM) based on the information contained in the approved drug monographs. The ODM will serve as a professional reference standard for all drugs and as a public document for a particular medicinal ingredient.

Consumers and health professionals will benefit from a factual, current, and well organized drug reference source to ensure optimal, safe and effective use of drugs. This will offset any initial and ongoing costs to manufacturers and the government relating to this initiative.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Elizabeth A. Rafuse, Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2.

Tel. (613) 957-0372; Fax (613) 941-6458.

#### HC-26

##### **Discretionary Testing of Schedule D Drugs**

Currently, the Food and Drug Regulations require pharmaceutical manufacturers to submit samples of each lot of insulin products and sensitivity discs for testing prior to marketing. Evidence has shown that manufacturing standards are such that these drugs could be tested randomly without detriment to health and safety standards.

This initiative will remove manufacturer requirements to submit samples of each lot of these Schedule D drugs, except at the request of the director.

This amendment to the Food and Drug Regulations will reduce the in-house testing workload and reduce the regulatory burden on manufacturers whose products have a successful track record.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Elizabeth A. Rafuse, Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2.

Tel. (613) 957-0372; Fax (613) 941-6458.

#### HC-27

##### **Ingredient Listing for Cosmetics**

This initiative would amend the Cosmetic Regulations to the Food and Drugs Act to require the qualitative declaration of all ingredients on cosmetics labels. The proposal has been the subject of broad-based consultation with all segments of the affected industry, professional associations and consumer groups through the Information Letter process.

Disclosure of ingredients in cosmetics would provide access to information that may assist in the prevention, diagnosis or treatment of adverse reactions to cosmetics, which can be serious and are often distressing and painful to the individual affected.

The cost of amending the labels of cosmetic products will be outweighed by the benefit to consumers who have serious reactions to even small amounts of cosmetic ingredients. The costs to manufacturers will be minimized by deferred implementation of the regulatory amendments.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Elizabeth A. Rafuse, Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2.

Tel. (613) 957-0372; Fax (613) 941-6458.

#### HC-28

##### **GP Registration for a Product with more than one Fragrance, Flavour, or Colour**

Division 10 of the Food and Drug Regulations sets out requirements for the issuing of a numbered certificate of registration for GP products (proprietary medicines). Existing regulations require the assignment of a separate number for each flavour, fragrance or colour of a product.

This regulatory initiative will permit the use of the same GP number for products that differ only in their fragrance, flavour or colour.



These amendments have been requested by the segment of the cosmetics industry that markets products containing sunscreens and other drugs. The paper burden to both government and industry will be reduced. The economic impact will be positive in both cases.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Elizabeth A. Rafuse, Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2.

Tel. (613) 957-0372; Fax (613) 941-6458.

#### HC-29

##### **Addition to Schedule D of Diagnostic Kits for Blood Testing**

Currently, diagnostic kits used for blood testing are regulated under the Medical Device Regulations. Public concern about the safety of the blood supply has prompted a re-examination of the pre-market regulatory requirements for such products.

Adding these products to Schedule D to the Food and Drugs Act will impose more stringent requirements, including the lot-by-lot release of each product and the licensing of manufacturing facilities. The Canadian Red Cross currently uses those diagnostic kits which meet both Canadian requirements and those of the U.S. Food and Drug Administration, which require lot-by-lot testing. This regulatory initiative will allow Canadian manufacturers to compete on an equal footing with their counterparts from the U.S. and harmonize Canadian requirements with those of the U.S.

Additional costs of a more stringent government review process will be offset by the fact that Canadian manufacturers of diagnostic kits affected by these regulations will benefit from no longer being excluded from competition for the Canadian market.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Elizabeth A. Rafuse, Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2.

Tel. (613) 957-0372; Fax (613) 941-6458.

#### HC-30

##### **DINs for Private Label Companies**

Currently, each brand name product is assigned a distinctive Drug Identification Number (DIN). For private label drug products (a product manufactured at one site and distributed by several distributors under brand names unique to each distributor), this technique has proved to be an unnecessary burden.

These amendments will provide for one DIN to be assigned when all aspects of the product and container are identical, except for the name and address of the distributor and the brand name.

This regulatory initiative will reduce the cost and burden to pharmaceutical manufacturers of filing multiple submissions for DINs for private label drug products. The risk to the public health and safety will not be increased as a result of these amendments.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Elizabeth A. Rafuse, Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2.

Tel. (613) 957-0372; Fax (613) 941-6458.

#### HC-31

##### **Bottled Water**

From a regulatory and monitoring viewpoint, bottled water has, in the past, been treated no differently than any other food commodity. When the current standards for pre-packaged water and ice were developed in 1980 under Division 12 of the Food and Drug Regulations, bottled water was not considered to be a high consumption item. However, the Department of Health recognizes that environmental concerns and the quality of municipal water supplies have risen in recent years, and, consequently, more people may be turning to bottled water as a total replacement for tap water. In the light of this higher consumption, the existing standards may no longer be appropriate.

The Health Protection Branch is presently re-examining the existing standards for pre-packaged water and ice and plans to make appropriate revisions as required. Although the review involves all aspects of bottled water quality and safety, emphasis is being placed on defining more precisely defining the different types of pre-packaged water currently on the market, revising the criteria for assessing the microbiological quality of the products, as well as specifying limits for various chemical contaminants, both natural and man-made, as deemed necessary. Where appropriate, such limits will be harmonized with current guidelines for drinking water. A regulatory proposal has been prepared and preliminary consultations with industries affected have been completed.

Since the industry is self-regulating to a significant degree, the main impact is expected to be on manufacturers who do not voluntarily meet quality standards.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number HWC-39.

**Contact:** Barry L. Smith, Director, Bureau of Food Regulatory, Interagency and International Affairs, Food Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-1748; Fax (613) 941-3537.

## HC-32

### Dioxins and Furans

Dioxins are a class of related organochlorine compounds that vary widely in toxicity. Certain members of this class of compounds have been associated with toxic effects, including cancer, and reproductive effects in experimental animals. Presently any food is considered adulterated if it contains chlorinated dibenzo-dioxins. However, a specific exception has been made for fish which contains 20 parts per trillion or less of the dioxin isomer 2,3,6,8-tetrachlorodibenzoparadioxin. Situations can arise in which dioxin isomers may be detected in other foods. The Regulations will be revised to deal with the presence of dioxins in foods.

This initiative will also deal with the presence of a related class of compounds known as furans which are presently not specifically regulated.

This amendment will benefit both consumers and industry by updating the current regulations to reflect the latest toxicological data on the safety of dioxins and furans. Those foods containing potentially hazardous levels of these substances will continue to be prohibited in Canada.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number HWC-40.

**Contact:** Barry L. Smith, Director, Bureau of Food Regulatory, Interagency and International Affairs, Food Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-1748; Fax (613) 941-3537.

## HC-33

### Food Allergens – Proposed Changes to Labelling Regulations to Minimize Adverse Reactions

Allergic-type reactions to food can represent a serious health issue to people who are susceptible to such reactions. For such individuals, the only solution is to avoid the foods, ingredients or food additives that cause their adverse reactions.

The Health Protection Branch, in conjunction with various private sector agencies such as the Allergy Asthma Information Association and the Canadian Restaurant and Food Services Association, has in recent years been involved in finding ways of

minimizing the potential for the occurrence of such adverse reactions. The development of sound educational materials and better means of communicating information on potential allergens have been the focus of this effort to date.

A review of the existing regulations pertaining to the most common food allergens, including current labelling requirements, is considered to be the appropriate next step in this process. This review has been initiated and regulatory revisions pertaining to the labelling of peanut oil have been proposed. The improved labelling of other food ingredients capable of causing adverse reactions is being investigated.

Provision of a label declaration for potential allergens will provide increased consumer information and allow concerned individuals a greater choice of foods. The costs of additional labelling requirements should be minimized by the providing delayed effective dates.

The proposal pertaining to the labelling of peanut oil was published in the *Canada Gazette*, Part I, on September 26, 1992.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number HWC-41.

**Contact:** Barry L. Smith, Director, Bureau of Food Regulatory, Interagency and International Affairs, Food Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-1748; Fax (613) 941-3537.

## HC-34

### Enrichment of Alimentary Pastes

Current Canadian requirements for the enrichment of alimentary pastes differ from those in the United States. The Health Protection Branch has received submissions from Canadian manufacturers requesting that the regulations be amended to permit them to market the same product in both Canada and the U.S. Under the Canada/U.S. Free Trade Agreement every effort is expected to be made on the part of both countries to harmonize or make equivalent regulations that could become technical barriers to trade while at the same time ensuring consumer protection.

This is a change benefitting Canadian competitiveness with no adverse impact on health and safety.

The proposal was published in the *Canada Gazette*, Part I, on April 4, 1992.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number HWC-45.



**Contact:** Barry L. Smith, Director, Bureau of Food Regulatory, Interagency and International Affairs, Food Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-1748; Fax (613) 941-3537.

#### HC-35

##### **Emergency Regulations**

In the event of a confirmed public health hazard in the food supply, emergency regulations may be required to protect the public.

The impact cannot be foreseen, but the public health benefits require the imposition of any costs associated with such emergency regulations.

**Classification:** Major

**Status:** This is a recurring initiative.

**Contact:** Barry L. Smith, Director, Bureau of Food Regulatory, Interagency and International Affairs, Food Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-1748; Fax (613) 941-3537.

#### HC-36

##### **Housekeeping Amendments to Food Regulations**

Typographical, spelling, translation, numbering and other inconsistencies inadvertently introduced into the regulations will be corrected.

No impact is anticipated. Proposals will correct amendments previously considered to be consistent with the Regulatory policy and the Citizens' Code of Regulatory Fairness.

**Classification:** Low cost

**Status:** This is a recurring initiative.

**Contact:** Barry L. Smith, Director, Bureau of Food Regulatory, Interagency and International Affairs, Food Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-1748; Fax (613) 941-3537.

#### HC-37

##### **Routine Enabling Amendments under the Food and Drug Regulations – General – Agricultural Chemicals – Food Additives**

This proposal covers a range of routine submissions requesting amendments to the Food and Drug Regulations respecting the maintenance or improvement of nutritional quality of foods; the microbiological and chemical safety of foods, including the establishment of safe maximum residue limits for agricultural chemicals in foods; and the establishment of maximum levels for food additives.

**Classification:** Intermediate cost

**Status:** This is a recurring initiative.

**Contact:** Barry L. Smith, Director, Bureau of Food Regulatory, Interagency and International Affairs, Food Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-1748; Fax (613) 941-3537.

#### HC-38

##### **Regulation of Drug Residues in Foods**

This amendment adds drugs to Table III, Section B.15.003 of the Food and Drug Regulations and establishes maximum residue limits (MRLs) for these drugs.

This initiative establishes standards for drug residues in food which are in keeping with technological advances in the detection methods. In addition, this proposal allows enforcement action to be taken against persons who violate these limits.

**Classification:** Intermediate cost

**Status:** This is a recurring initiative.

**Contact:** Barry L. Smith, Director, Bureau of Food Regulatory, Interagency and International Affairs, Food Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-1748; Fax (613) 941-3537.

#### HC-39

##### **Fat Content of Ground Meat**

Under the Food and Drug Regulations the maximum fat content levels for ground beef are set at 30 per cent for "regular", 23 per cent for "medium" and 17 per cent for "lean". Consultations with interested parties have taken place for the purpose of reconciling these maximum fat content levels with marketplace conditions and the nutrition recommendations issued in 1990. The scope of the regulatory standards will also be expanded to include all ground-meat species, and to add an "extra lean" category of fat content.

The benefit is better consumer choice for personal health decisions. Costs fall primarily to producers of other ground meat species and should be within the bounds of competitiveness.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number HWC-50.

**Contact:** Barry L. Smith, Director, Bureau of Food Regulatory, Interagency and International Affairs, Food Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-1748; Fax (613) 941-3537.

#### HC-40

##### **Phosphates in Meat and Poultry Products**

The addition of phosphate salts and/or water results in the incorporation of water to meat and poultry

products while enhancing the organoleptic properties. This use has not been permitted in Canada. However, it has been permitted by our trading partners. In order to harmonize our existing practices with those of our trading partners, while maintaining product safety, quality and nutrient content, regulations will be promulgated to permit the limited addition of phosphate salts and/or water to these products.

The decision to take advantage of this regulatory change rests with manufacturers. Consequently, any increase in cost from the use of phosphate salts is entirely optional and related to competitive position.

The proposal was published in the *Canada Gazette*, Part I, on September 5, 1992.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number HWC-51.

**Contact:** Barry L. Smith, Director, Bureau of Food Regulatory, Interagency and International Affairs, Food Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-1748; Fax (613) 941-3537.

#### HC-41

##### **Herbs and Botanical Preparations**

During the past two decades, there has been an increased use by Canadians of herbs and botanical preparations as foods. The Health Protection Branch is concerned that some herbs and botanical preparations with potentially harmful properties could be marketed to the public. Thus, improved control is believed necessary to ensure that consumers have an appropriate level of protection. The proposed amendment will expand the current list of potentially harmful herbs and botanical preparations and provide controls on their use in foods to meet this goal.

This amendment will help to alleviate any confusion about the safe use of herbs and botanical preparations as foods. The cost to industry is anticipated to be small as the amendments being introduced relate only to the sector involved in the sale of herbs and botanicals as foods or in food products.

The proposal was published in the *Canada Gazette*, Part I on December 19, 1992.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number HWC-52.

**Contact:** Barry L. Smith, Director, Bureau of Food Regulatory, Interagency and International Affairs, Food Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-1748; Fax (613) 941-3537.

#### HC-42

##### **Microbiological Standards for Cheese**

Proposals to amend Division 8 of the Food and Drug Regulations will require that all cheese, with the exception of hard cheeses, be made from pasteurized milk, cream or other dairy products. Hard cheeses will be required to be made from milk or other dairy products that have been heat treated, and the requirement for storage will still be in effect. Since the use of raw milk or raw dairy products would no longer be permitted in the manufacture of cheese, deletion of the microbiological requirements for these products will also be proposed.

This amendment will increase assurance of the safety of cheese on the Canadian market, a fact that will provide both economic and health benefits. Initially, cheese plants that do not comply with the procedures may have increased costs to meet the regulatory requirements.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan under initiative number HWC-53.

**Contact:** Barry L. Smith, Director, Bureau of Food Regulatory, Interagency and International Affairs, Food Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-1748; Fax (613) 941-3537.

#### HC-43

##### **Composition and Standards of Cocoa Products**

The current Canadian regulations regarding the composition and standards of cocoa products are viewed, by industry and government, as requiring revision to be consistent with current Canadian and international practices. Amendments to these standards will reflect Canada's commitment to adopt, to the degree possible, international standards developed by the Joint FAO/WHO Food Standards Program (Codex Alimentarius Commission).

This amendment should improve Canadian competitiveness but will not change health and safety requirements.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan under initiative number HWC-54.

**Contact:** Barry L. Smith, Director, Bureau of Food Regulatory, Interagency and International Affairs, Food Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-1748; Fax (613) 941-3537.



## HC-44

**Very Low Calorie Diets**

Proposals to amend Division 24 of the Food and Drug Regulations will permit the sale, under specified conditions, of foods for use in weight reduction diets which provide less than 900 kilocalories per day when consumed as directed. The market for these foods is small; they are available only by prescription. Base standards of safety are essential for proper medical management and patient protection.

The proposal was published in the *Canada Gazette*, Part I, on December 1, 1990.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number HWC-42.

**Contact:** Barry L. Smith, Director, Bureau of Food Regulatory, Interagency and International Affairs, Food Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-1748; Fax (613) 941-3537.

## HC-45

**Foods for Use in Weight Reduction Diets**

Proposals to amend Division 24 of the Food and Drug Regulations to include foods sold in weight loss clinics in the categories of foods that may be sold for use in weight reduction diets and to amend the nutritional requirements for meal replacements in line with the 1990 Recommended Nutrient Intakes were published for comments as Information Letters No. 770 and No. 793. Proposed amendments to Division 24 have been developed in the light of the comments received.

The benefit of this change to consumers is in terms of a wider choice of foods for weight reduction diets. The consumer will also benefit from meal replacements that are formulated in line with the most recent nutrition recommendations. Any cost to the industry in reformulating meal replacements will be minor.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number HWC-43.

**Contact:** Barry L. Smith, Director, Bureau of Food Regulatory, Interagency and International Affairs, Food Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-1748; Fax (613) 941-3537.

## HC-46

**Labelling of Cholesterol and Fatty Acids**

Amendments to the Food and Drug Regulations have been proposed pertaining to the labelling of and claims for cholesterol and fatty acids.

Health professionals have expressed concern over the current criteria for cholesterol claims that permit these claims to be made for foods that contain significant quantities of fat. Evidence suggests that consumers are confused about the meaning of these claims. Revised criteria for cholesterol claims will be proposed.

The benefit of this change is the removal of undue focus on cholesterol claims that is not consistent with nutrition education messages. It may be necessary to reformulate some foods or change the labels of foods to meet the new requirements. However, the cost to industry should be mitigated by providing a lead time for changing labels.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number HWC-56.

**Contact:** Barry L. Smith, Director, Bureau of Food Regulatory, Interagency and International Affairs, Food Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-1748; Fax (613) 941-3537.

## HC-47

**Simplified Common Name for Various types of Cellulose**

In response to a submission from a manufacturer of these food additives, and subsequent to preliminary discussions with interested parties, it is proposed that methylcellulose, hydroxypropyl methylcellulose, methyl ethyl cellulose, hydroxypropyl cellulose, and carboxymethyl cellulose, when used as ingredients in foods, be permitted to be declared by the common term "modified cellulose".

The proposed nomenclature will be simpler, yet informative to consumers and will serve to harmonize the manner in which these additives are declared. This change is consistent with the position on the Food and Agriculture Organization of the United Nations/World Health Organization (FAO/WHO) Codex Expert Committee on Food Additives.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative CCAC-31.

**Contact:** Barry L. Smith, Director, Bureau of Food Regulatory, Interagency and International Affairs, Food Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-1748; Fax (613) 941-3537.

## HC-48

**Label Declarations of Decaffeinating Agents Used in Decaffeinated Tea and Coffee**

This amendment, which responds to a request from the industry, would modify the requirements for the declaration of decaffeinating agents used in tea and coffee. The label would exhibit a statement indicating the fact that the food was decaffeinated using the named agent(s), as an alternative to the declaration of said agent(s) in the list of ingredients. By identifying the function of the decaffeinating agent, the proposed statement will provide consumers with more precise information than would a declaration in the list of ingredients. It will also benefit the tea and coffee industries.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number CCAC-32.

**Contact:** Barry L. Smith, Director, Bureau of Food Regulatory, Interagency and International Affairs, Food Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-1748; Fax (613) 941-3537.

## HC-49

**Initiatives Resulting from the Departmental Regulatory Review**

The Department of Health has undergone a review of the regulations under the Food and Drugs Act to ensure the effectiveness of the regulations in contributing to public health and safety and to examine ways in which the competitiveness of Canadian industry could be enhanced.

In addition to the specific initiatives included elsewhere in the 1994 Federal Regulatory Plan, amendments to the Food and Drug Regulations may be proposed to reflect the outcome of the review in the following areas: administration, inspection and enforcement; chemical contaminants; food labelling, packaging, advertising and claims; compositional standards, food additives and nutrient addition; and microbiological standards.

The review identified several areas where a public benefit in terms of health and safety needs to be maintained or can be enhanced. In these areas, the benefits surpass the potential costs to industry or consumers by reducing the risk of serious illness. In other areas, some cost would be associated with providing a benefit in terms of more useful information to consumers in the management of their health. The focus of yet other proposals is toward improved Canadian competitiveness within the bounds of health and safety, by achieving the flexibility in the regulatory framework needed to support response to market demands.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Barry L. Smith, Director, Bureau of Food Regulatory, Interagency and International Affairs, Food Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-1748; Fax (613) 941-3537.

## HC-50

**Good Manufacturing Practices Regulations for Foods**

The proposed GMP regulations outline the minimum health and safety standards for food marketed in Canada and apply equally to domestic and imported food products. The regulations promote the use of food safety principles that stress control of the manufacturing and distribution process rather than reliance on finished product specification and testing. The proposal will result in the reduction of regulatory burden as the requirements to achieve compliance are clearly stated, thus promoting self-regulation. The regulations will also provide a common regulatory base for all food safety initiatives in the area of good manufacturing practice that can be expanded further in other federal or provincial regulations. An additional benefit will be a safer food supply. In general, the GMP requirements are such that firms operating in today's market environment would be expected to have these already in place.

**Classification:** Major

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number HWC-57.

**Contact:** G. Riedel, Chief, Intergovernmental Liaison and Audit Division, Field Operations Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2. Tel. (613) 957-3833.

## HC-51

**Sale of a Device for Investigational Testing**

The proposed amendment to the Medical Devices Regulations will allow the sale of a device under prescribed conditions to qualified investigators for the purpose of conducting clinical investigations. There are currently limited provisions in Part V of the regulations permitting clinical investigations.

The amendment will enable manufacturers to gather evidence of the safety and effectiveness of a device in Canada, under controlled clinical conditions. Manufacturers will, in turn, be able to market these devices in a shorter time, and consumers will be offered them sooner. Furthermore, the amendment may provide a greater opportunity to Canadian investigators to conduct investigational testing in Canada. The manufacturer will encounter a minor



paper burden preparing an application for authorization of the investigational testing and in preparing the written reports outlining the results of investigations.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number HWC-25.

**Contact:** Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2.  
Tel. (613) 957-3142; Fax (613) 954-2486.

#### HC-52

##### **Standard for the Labelling of In Vitro Diagnostic Test Devices**

This proposal will amend Schedule X to the Medical Devices Regulations and will establish additional labelling requirements for in vitro diagnostic devices. The potential for incorrect use and misinterpretation of results should consequently be reduced. No substantial costs will be incurred by manufacturers implementing this proposal.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number HWC-26.

**Contact:** Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2.  
Tel. (613) 957-3142; Fax (613) 954-2486.

#### HC-53

##### **Single Use Insulin Syringes**

This amendment to Schedule VI of the Medical Devices Regulations addresses the requirements for zero dead space volume fixed needle syringes, which are now readily available and used by most home users. Standards for the dead space volume for syringes with interchangeable needles, which are used mainly in the hospital environment and which possess an inherently large dead-space volume, will not be significantly altered. For both types of syringes, the standard will provide test methods for smaller needles which have become popular in recent years, new internationally accepted size designation in metric figures, a more clearly worded dosage accuracy requirement, and a more comprehensive leakage test.

The reduction of insulin waste as a result of the lower dead space volume will bring lower costs and will grant health benefits to users of fixed-needle syringes. The amendments will also reduce the possibility of errors in dosage. Meanwhile, only minimal costs will be incurred by manufacturers of

syringes, since most fixed-needle syringes already meet with the zero dead-space volume requirement.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative HWC-27.

**Contact:** Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2.  
Tel. (613) 957-3142; Fax (613) 954-2486.

#### HC-54

##### **Removal of Specific Implantable Dental Materials from the Table in Part V**

The proposed amendment will remove, from the Table in Part V of the Medical Device Regulations, specific implantable dental materials where technology is considered to have stabilized. Dental materials intended to be inserted into the pulp cavity or to be attached to only the tooth enamel or dentin are considered to fall within this category and will be removed from the Table. These devices will continue to be subject to the safety and effectiveness requirements of the Food and Drugs Act and the Medical Devices Regulations.

Reduced regulation will allow products to come to market sooner, benefitting both manufacturers and consumers.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number HWC-28.

**Contact:** Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2.  
Tel. (613) 957-3142; Fax (613) 954-2486.

#### HC-55

##### **Labelling Requirements for Contact Lenses**

The proposed schedule to the Medical Devices Regulations establishes labelling requirements for daily wear and prolonged-wear contact lenses in an effort to reduce the potential for incorrect use resulting in serious adverse health effects for users. In addition, contact lenses designed or represented for prolonged wear will be removed from the Table in Part V of the Regulations but will continue to be subject to the safety and effectiveness requirements of the Food and Drugs Act and the Medical Devices Regulations.

Reduced regulation will allow products to come to market sooner, benefitting both manufacturers and consumers.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number HWC-29.

**Contact:** Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2.  
Tel. (613) 957-3142; Fax (613) 954-2486.

#### HC-56

##### **Labelling Requirements for Menstrual Tampons**

The proposed schedule to the Medical Devices Regulations establishes labelling requirements for menstrual tampons in an effort to reduce the potential for incorrect use resulting in serious adverse health effect for users.

With the introduction of this schedule, menstrual tampons of specified absorbencies will be removed from the Table in Part V of the Regulations but will continue to be subject to the safety and effectiveness requirements of the Food and Drugs Act and the Medical Devices Regulations. It is expected that tampons with absorbency of 15 grams or greater will remain on the Table in Part V.

Reduced regulation will allow products to come to market sooner, benefitting both manufacturers and consumers.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number HWC-30.

**Contact:** Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2.  
Tel. (613) 957-3142; Fax (613) 954-2486.

#### HC-57

##### **Housekeeping Amendments to the Medical Devices Regulations**

This proposal is to make minor housekeeping amendments to the Medical Devices Regulations.

**Classification:** Low cost

**Status:** This is a recurring initiative.

**Contact:** Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2.  
Tel. (613) 957-3142; Fax (613) 954-2486.

#### HC-58

##### **Labelling of Pressurized Containers**

This amendment to the Medical Devices Regulations will replace all references to the Hazardous Products (Hazardous Substances) Regulations with references to the Consumer Chemicals and Containers

Regulations which were published in the *Canada Gazette*, Part II, on November 23, 1988. The Hazardous Substances Regulations were revoked on October 31, 1988. Definitions have been incorporated where required.

Users of medical devices will benefit from up to date labelling that is consistent with that of other consumer products. Negligible cost will be drawn from these amendments.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number HWC-36.

**Contact:** Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2.  
Tel. (613) 957-3142; Fax (613) 954-2486.

#### HC-59

##### **Amendments to Schedule I, Contraceptive Devices**

The proposed amendment is to make two modifications to Schedule I of the Medical Devices Regulations. The first modification will permit the advertising of specific contraceptive devices (female condoms) for reducing the risk of transmission of venereal diseases similar to what is presently permitted for condoms. The second modification will clarify that the bursting pressure and bursting volume requirements in Schedule I only apply to male condoms manufactured from latex.

This proposal provides more alternatives to the public for birth control methods that reduce the risk of venereal diseases. The proposal entails no significant cost to industry.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number HWC-37.

**Contact:** Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2.  
Tel. (613) 957-3142; Fax (613) 954-2486.

#### HC-60

##### **Quality System Requirement For Medical Devices**

The proposed amendment to the Medical Devices Regulations will require medical devices sold in Canada to be designed and manufactured in accordance with the International Organization for Standardization: ISO 9001, "Quality Systems – Model for Quality Assurance in Design/ Development, Production, Installation and Servicing."



This proposal is intended to further ensure the safety and effectiveness of medical devices, requiring that they be designed and manufactured under controlled conditions commensurate to their risk to health. The proposal is expected to result in extra costs for firms that do not already follow good design and manufacturing practices. It is generally accepted that the benefits from adoption by industry of such a quality system will outweigh the cost. The expected reduction in medical device failures will result in savings for the health care system.

**Classification:** Major

**Status:** This initiative appeared in the 1992 Regulatory Plan as initiative number HWC-26.

**Contact:** Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2.  
Tel. (613) 957-3142; Fax (613) 954-2486.

## HC-61

### Condoms

Canada has two documents setting out expectations and requirements for condoms: Schedule I of the Medical Devices Regulations, and Health Protection Branch Information Letter No. 745, "Lot Quality Requirements for Condoms". Canada's existing condom standard is not harmonized with that of any other organization or country.

As of June 1993, Europe has a mandatory condom standard, CEN600, "Latex Rubber Condoms". CEN600 is similar to the international standard for condoms, ISO4074, but sets out clearer test methods. It is proposed that Canada reference CEN600. Referencing would be done by deleting all test requirements for condoms in the existing Schedule I, and by replacing Information Letter No. 745 with new lot quality requirements as specified by CEN600.

This change will more closely align Canada with the European trading block and will facilitate mutual recognition of certification programs for condoms. The proposal will also allow improvements to the Canadian standard with respect to labelling and strength requirements. This amendment may entail testing and re-labelling costs by some manufacturers. Test data obtained by the Branch indicates about the same proportion of products would fail the CEN600 standard as fails the existing Schedule I standard, so the primary impact will be to improve Canadian competitiveness within well-founded quality standards.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2.  
Tel. (613) 957-3142; Fax (613) 954-2486.

## HC-62

### Revocation of Schedule VII, Electromedical Devices

Schedule VII, which addresses "Risk Current Limits for Electromedical Devices", was added to the Medical Devices Regulations in April 1982. Schedule VII provides for patient protection against electrical shock from electromedical equipment by setting out maximum allowable risk current limits. Schedule VII also classifies electromedical equipment according to the degree of electrical protection it provides.

Since 1982, new and revised domestic and international standards for the electrical safety of medical equipment have been developed. The existing Schedule VII has become sufficiently outdated that it is a hindrance to industry. Also, because it is at variance with National Standard of Canada CAN/CSA C22.2 No. 601-1M90, which applies to the certification of electromedical equipment for sale in Canada, the existing Schedule VII poses problems for Canadian agencies certifying electromedical equipment.

Schedule VII will be revoked. Manufacturers will benefit from the removal of the outdated regulation. The Health Protection Branch will make an assessment of the need to produce a new regulation relating to electrical safety of electromedical devices.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2.  
Tel. (613) 957-3142; Fax (613) 954-2486.

## HC-63

### Standard for Laser Equipment

There are many applications of lasers in the medical, industrial and research fields. The proposed laser regulations establish standards of design, construction and function, as well as labelling requirements, for all laser equipment.

The proposal is intended to reduce health hazards such as skin burns, retinal burns, visual receptor damage and corneal burns associated with many types of laser equipment. Industry is not expected to object to this proposal as industry has assisted in the development of the negotiations.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number HWC-33.

**Contact:** Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2.  
Tel. (613) 957-3142; Fax (613) 954-2486.

#### HC-64

##### **Diagnostic X-Ray Equipment**

This proposed amendment to the Radiation Emitting Devices Regulations revokes the present standard for diagnostic X-ray equipment and replaces it with a new one which is compatible with U.S. and internationally accepted standards and which reflects the current state of technology in equipment design.

The proposal will prevent equipment of an advanced design from being withheld from the Canadian marketplace or from having to undergo unnecessary modifications to comply with the present standard. By removing the need for certain modifications, the proposal should result in decreased costs for diagnostic x-ray equipment. Industry is not expected to object to this proposal as industry has assisted in the development of the proposal.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number HWC-34.

**Contact:** Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2.  
Tel. (613) 957-3142; Fax (613) 954-2486.

#### HC-65

##### **Housekeeping Amendments to the Radiation Emitting Devices Regulations**

This proposal is to make minor housekeeping amendments to the Radiation Emitting Devices Regulations.

**Classification:** Low cost

**Status:** This is a recurring initiative.

**Contact:** Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2.  
Tel. (613) 957-3142; Fax (613) 954-2486.

#### HC-66

##### **Computed Tomography X-Ray Equipment**

Computed tomography X-ray equipment, also known as CT scanners, is used in medical diagnoses. The proposed schedule establishes

standards for design, construction and function, including labelling for all computed tomography X-ray equipment. Special emphasis is placed on the provision, by the manufacturer, of information to be used by the radiologist in estimating patient radiation dose.

The proposal is intended to reduce health hazards by reducing unnecessary radiation doses and improving the diagnostic images produced.

The proposal is not expected to entail any additional costs to the department or industry, as it is harmonized with the existing US Food and Drug Administration and international standards.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1992 Regulatory Plan as initiative number HWC-41.

**Contact:** Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2.  
Tel. (613) 957-3142; Fax (613) 954-2486.

#### HC-67

##### **Radiopharmaceuticals Regulations (Schedule C Drugs)**

The proposal will amend the provisions of Division III of the Food and Drugs Regulations respecting Radiopharmaceuticals (Schedule C Drugs). At present, Schedule C Drugs are exempt from Division II Good Manufacturing Practices. This amendment will remove that exemption, making Schedule C drugs subject to most of the requirements of Division II of the Food and Drugs Regulations. The proposal will also strengthen provisions concerning licensing of Schedule C Drugs.

The proposal will bring the current provisions up to date and will clarify, to the benefit of both the manufacturer and the Health Protection Branch, provisions respecting Radiopharmaceuticals. Minimal costs will be incurred by manufacturers of Schedule C drugs that manufacture in accordance with Good Manufacturing Practices and Good Laboratory Practices.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2.  
Tel. (613) 957-3142; Fax (613) 954-2486.



## HC-68

**Regulations Respecting Tobacco Sales to Young Persons**

Ninety-five percent of all new smokers begin smoking before the age of eighteen. The Tobacco Sales to Young Persons Act (TSYPA) prohibits the sale of tobacco products to persons under the age of 18. It also bans all vending machines which dispense tobacco products, with the exception of vending machines located in bars, taverns and similar establishments. In order for the TSYPA to be enacted, regulations must be developed concerning in-store signs, location of vending machines, and signs on vending machines.

The department will consult mainly with national retail and grocers associations, vending machine associations, health groups and provincial representatives. Other interested parties will be made aware of the proposal through prepublication of the regulations in Part I of the *Canada Gazette*. Significant benefit to the health of young Canadians will be drawn from these regulations.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2.  
Tel. (613) 957-3142; Fax (613) 954-2486.

## HC-69

**Housekeeping Amendments to the Tobacco Products Control Regulations**

This proposal makes minor housekeeping amendments to the Tobacco Products Control Regulations.

**Classification:** Low cost

**Status:** This initiative appeared in the 1992 Regulatory Plan as initiative number HWC-51.

**Contact:** Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2.  
Tel. (613) 957-3142; Fax (613) 954-2486.

## HC-70

**Revision of Liquid Coating Materials Regulations**

The Hazardous Products (Liquid Coating Materials) Regulations were promulgated in 1976 to regulate the lead content in paints and other similar liquid coating materials in order to protect consumers especially children.

The proposed changes to these regulations will include a reduction in the permitted lead content

and a restriction on the use of mercury compounds in paints.

The impact of these changes is expected to be minimal as almost all of the Canadian paint manufacturing industry has already implemented the changes. These changes will ensure that recycled and imported paints are regulated in terms of lead and mercury content.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number CCAC-38.

**Contact:** Richard Viau, Chief, Chemical and Biological Hazards Division, Product Safety, Department of Health, Place du Portage, Phase I, 17th Floor, Hull, Quebec, K1A 0C9.  
Tel. (819) 953-2141; Fax (819) 953-3857.

## HC-71

**Revision of Glazed Ceramics Regulations**

The Hazardous Products (Glazed Ceramics) Regulations were promulgated in 1972 to protect consumers from excessive lead and cadmium released from glazed ceramic foodware. Since the promulgation of these regulations, previously considered safe exposure levels of lead have been found to cause adverse health effects, especially to young children and pregnant women.

The proposed changes to these regulations will include a reduction in the maximum permitted amount of lead in various product categories and labelling requirements will specify. These changes are also designed to harmonize Canadian and U.S. requirements.

The impact of the changes is anticipated to be minor as the large majority of the glazed ceramic foodware sold in Canada already complies with the proposed changes.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number CCAC-39.

**Contact:** Richard Viau, Chief, Chemical and Biological Hazards Division, Product Safety, Department of Health, Place du Portage, Phase I, 17th Floor, Hull, Quebec, K1A 0C9.  
Tel. (819) 953-2141; Fax (819) 953-3857.

## HC-72

**WHMIS – Controlled Products**

The Controlled Products Regulations (CPR) came into effect on October 31, 1988 as part of the Workplace Hazardous Materials Information System (WHMIS). Amendments to the CPR that are foreseen will reflect elaborations of WHMIS that were developed among industry, labour and federal, provincial and territorial governments. These

revisions will be identified during the regulatory process.

The amendments are not anticipated to have a substantive socio-economic impact.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number CCAC-40.

**Contact:** Richard Viau, Chief, WHMIS Division, Product Safety, Department of Health, Place du Portage, Phase I, Hull, Quebec, K1A 0C9.  
Tel. (819) 997-1194; Fax (819) 953-3857.

## HC-73

### **Child-Resistant Lighters – Child Safety**

This regulatory initiative is designed to reduce the number of fatal fires started by young children playing with cigarette lighters. Approximately eight deaths per year are attributable to children younger than five years old playing with gas-filled cigarette lighters.

Current regulations on lighter safety will be amended by adding performance requirements and test methods for lighter child-resistance. In addition, cautionary labelling will alert lighter users of the need to keep these products out of the hands of young children.

The regulatory amendment will require the modification of current lighter designs. Major lighter manufacturers and importers have been advised of these proposed requirements. This initiative would principally impact importers who could experience fewer sources of supply. Consumers could expect an average increase of 12¢ per unit.

The proposed changes to the safety requirements will result in a reduction in child-play fires and their related fatalities and injuries. It is estimated that six fatalities will be prevented per year and health care and property losses will be reduced by \$6,000,000.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number CCAC-41.

**Contact:** Michel Léger, Chief, Mechanical and Electrical Hazards Division, Product Safety, Department of Health, Place du Portage, Phase I, Hull, Quebec, K1A 0C9.  
Tel. (819) 953-8084; Fax (819) 953-3857.

## HC-74

### **Cribs and Cradles – Child Safety**

An amendment to the Cribs and Cradles Regulations is being proposed to address potential hazards associated with toe-holds that enable a child to climb out of a crib and risk head trauma, the leading kind of injury associated with cribs. Other

changes include elimination of the confusion surrounding the requirements for portable cribs and greater harmonization of the regulations with U.S. requirements. The amendment proposes to divide the requirements for cribs and cradles into two separate regulations for easier understanding. The anticipated cost to industry is negligible.

**Classification:** Low cost

**Status:** This is a carry-over that appeared in the 1993 Regulatory Plan as initiative CCAC-34.

**Contact:** Michel Léger, Chief, Mechanical and Electrical Hazards Division, Product Safety, Department of Health, Place du Portage, Phase I, Hull, Quebec, K1A 0C9.  
Tel. (819) 953-8084; Fax (819) 953-3857.

## HC-75

### **Carriages and Strollers – Child Safety**

The number of injuries associated with carriages and strollers has remained significant despite the introduction of regulations in 1985. An amendment to the Carriages and Strollers Regulations is being proposed to improve the current regulations and to address changes in stroller design.

The potential impact on industry is not expected to be high since adequate lead time has been provided and since the regulations are being modified in harmony with similar changes to the U.S. standard for these products. The proposed regulations will have a negligible effect on the cost of new products. Infants and small children will benefit from the increased safety that will result in fewer injuries and a reduction in associated medical costs.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number CCAC-35.

**Contact:** Michel Léger, Chief, Mechanical and Electrical Hazards Division, Product Safety, Department of Health, Place du Portage, Phase I, Hull, Quebec, K1A 0C9.  
Tel. (819) 953-8084; Fax (819) 953-3857.

## HC-76

### **Food, Water and Sanitation Regulations for Common Carriers**

The "Food, Water and Sanitation Regulations for Common Carriers" combines the existing "Potable Water Regulations" that new sections which deal with the safe preparation of food served on board conveyances like aircraft and vessels and with the maintenance of these facilities in a sanitary manner, including the disposal of wastes from these conveyances. Facilities serving the public on federal property are also included in this draft regulation.



Direct industry consultation has shown that the addition of the food and sanitation aspects will increase the effectiveness of our legislation. Canadian industry is anxious to ensure that compliance with our legislation will mean that its products and services will meet the legislative requirements of the United States and other nations. Without the new regulations, our officers cannot effectively protect the travelling public from non-compliant operators. We have also created a situation where "good" operators are forced to compete directly with operators who willingly or unwillingly choose to circumvent safe food handling practices.

Approximately 100 million meals are served to the travelling public in Canada each year. The potential for disease transmission from food and water is very real, as witnessed recently by food-borne outbreaks in both Canada and the U.S. Meals for common carriers are by necessity handled many times before they are consumed on board, and this handling, if not efficiently carried out, creates opportunities for bacterial and viral growth that multiply the risk over the consumption of meals in a restaurant setting. The new regulation should not affect the cost of providing our inspection services and, in conjunction with a more collaborative approach with industry, should enhance the effectiveness of our regulatory program.

**Classification:** Intermediate cost.

**Status:** This initiative appeared in the 1993 Federal Regulatory Plan as initiative number HWC-62.

**Contact:** William (Sandy) Cocksedge, Senior Advisor, Occupational and Regulatory Health, Occupational and Environmental Health Directorate, Medical Services Branch, Department of Health, Ottawa, Ontario, K1A 0K9.  
Tel. (613) 957-3427; Fax (613) 954-0692.

## Future Initiatives

### Drug Categorization

Since the late 1980s, the Drugs Directorate has continued to explore the possibility of establishing a program to categorize and evaluate drugs according to their degree of risk.

The major features of such a program are as follows: the classification of drug submissions based on an assessment of their level of risk; regular reporting by manufacturers of safety and effectiveness data on marketed drugs; greater post-market surveillance through adverse drug reaction reporting by manufacturers; and harmonization of quality, safety

and effectiveness data requirements with those of other national and international authorities.

The proposal would streamline and strengthen the drug review program while continuing to emphasize the safety and effectiveness of drug products for Canadians.

The program has been the subject of broad-based consultation with all segments of the pharmaceutical industry, professional associations, consumer groups, provincial governments, academia, and other government departments. A comprehensive proposal is under development within the parameters of the Drugs Directorate Renewal Projects.

**Contact:** Elizabeth A. Rafuse, Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2.  
Tel. (613) 957-0372; Fax (613) 941-6458.

### Cost Recovery

In 1986, the department began consulting stakeholders on ways to introduce fees in respecting the drug approval program. In 1992, the Drugs Directorate again conducted stakeholder consultations on a user fee-based revenue source for program funding. This most recent analysis was conducted from a program activity standpoint, and included a discussion of the basic options available, and the consideration of the Financial Administration Act (FAA).

The Drugs Directorate has not finalized its review, as the changes to program activities recommended by the Gagnon Report, and encompassed in the Renewal exercise, require consideration. Charges for activities or services not intended to be altered could be implemented should the department choose to phase in the implementation of a fees program.

A creative and balanced approach to fees will consider the stakeholders' ability to pay for, and level of use of, the services or rights derived from the program. The recipient of the service or right must be carefully considered, as many program functions may benefit both industry and the public. The level of fees to be charged should take into account the following: the ability of the user to pay; the use made of the service; the value of the right of the user; the proportion of the service that benefits the user versus the public; the cost of delivering the service or right; and the cost of comparable services in the public or private market sector. Although not all of these factors need carry equal weight or be applied in an identical manner for each charging

option, each will be considered in the development of the fee structure.

**Contact:** Elizabeth A. Rafuse, Chief, Drug Regulatory Affairs Division, Drugs Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2.

Tel. (613) 957-0372; Fax (613) 941-6458.

### **Regulation of Novel Foods and Novel Food Processes**

Non-traditional foods and food produced by non-traditional food processes are being increasingly introduced into the Canadian marketplace. These products and processes often do not explicitly fall within the existing regulatory framework of the Food and Drug Regulations, yet they may affect the safety of the food supply. New regulations that will permit the Branch to evaluate novel foods and foods from novel processes prior to their introduction into the marketplace are considered necessary. The purpose of this initiative will be to conduct a consultative process that will culminate with the development of a premarket notification process for such products. To this end, an information letter has been released for comment. Further consultation will be undertaken, as necessary, as a result of the comments received to Information Letter Number 806.

These consultations may result in the development of regulations which will require that the Health Protection Branch be notified prior to the sale or the advertising for sale of any food or food process that is new to the Canadian food supply.

**Contact:** Barry L. Smith, Director, Bureau of Food Regulatory, Interagency and International Affairs, Food Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2.

Tel. (613) 957-1748; Fax (613) 941-3537.

### **Hearing Aids**

The department is monitoring the development of an American National Standards Institute (ANSI) standard which will address an issue of concern to the department, namely the magnetic compatibility of hearing aids with telephones that presently produce a magnetic field appropriate for magnetic coupling with a hearing aid. In Canada, telephones must meet the Department of Communications' CS-03 Certification Standard for Telephones, and there is concern that some hearing aids sold in Canada are not magnetically compatible with telephones. Once finalized, the department will adopt or modify that part of the ANSI standard which addresses this issue. The standards will comprise a new Schedule to the Medical Devices

Regulations. The initiative will require hearing aids to be labelled as to whether or not they are magnetically compatible with telephones. If they do claim to be compatible, they will need to satisfy standards that will be adopted or modified from the ANSI standard. The expected publication date of the ANSI standard is unknown at this time.

The hard-of-hearing consumer will benefit in that the magnetic compatibility of hearing aids (or absence of) will be apparent to them at the time of purchase. Manufacturers will incur minor costs complying with labelling requirements under this amendment.

**Contact:** Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2.

Tel. (613) 957-3142; Fax (613) 954-2486.

### **Hospital Beds**

Hospital beds and side rails are a continuing source of accidental deaths and injuries in the health care system. In spite of numerous articles in the literature alerting users to the dangers of this class of device, accidents continue to happen. There are presently no government guidelines or regulations concerning hospital beds other than hospital cribs. A departmental guideline addressing this issue is being written. Should the guideline fail to reduce the number of accidents, the guideline's safety criteria will be adopted into the Medical Devices Regulations.

**Contact:** Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2.

Tel. (613) 957-3142; Fax (613) 954-2486.

### **Bilingual Labelling of Medical Devices**

The Medical Devices Regulations currently require that the labelling of all medical devices must be in either of the two official languages in addition to any other language. Effective November 1, 1993, the directions for use for all devices that are available for sale at a self-service display must be labelled in both official languages in addition to any other language. Incidents brought to the attention of the Health Protection Branch illustrate the possible need to require further bilingual labelling of medical devices. Potential hazards exist where the warnings, cautions, contra-indications and possible adverse effects associated with a device are only in one official language.

A proposal will be considered to require all medical devices to be labelled so that all the warnings, cautions, contra-indications and possible adverse



effects associated with the device are in both official languages in addition to any other language.

**Contact:** Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2.  
Tel. (613) 957-3142; Fax (613) 954-2486.

### **Cardiac Pacemakers**

Schedule III to the Medical Devices Regulations contains labelling as well as construction and performance characteristics requirements for implantable cardiac pacemakers. This Schedule to the regulations will be reviewed and evaluated to assess the need to update the Schedule to the International Organization for Standardization standard, ISO 5841/1:1989, "Cardiac Pacemakers -Part I: Implantable Pacemakers."

The ISO standard contains performance requirements as well as labelling and packaging requirements for implantable pacemakers.

**Contact:** Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2.  
Tel. (613) 957-3142; Fax (613) 954-2486.

### **Cabinet X-Ray Equipment**

The proposed amendments to relevant provisions of Part XV of the Radiation Emitting Devices Regulations will accomplish a number of objectives. The amendments will reflect International Commission on Radiological Protection (ICRP) recommendations of lower dose limits. The amendments will, at the same time, harmonize the provisions as much as possible with U.S. standards. They will also make the provisions more reflective of recent technology. As well, the amendments will incorporate the medical radiation terminology of the International Electrotechnical Commission (IEC). When taken together, all of these objectives will facilitate better interpretation of the provisions by manufacturers, suppliers, and any other concerned parties. The amendments will also minimize the modifications that foreign manufacturers currently make to their products for Canadian distribution. These amendments have the potential to reduce the overall cost of X-ray procedures. Affected parties will not incur significant costs as a result of this amendment.

**Contact:** Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2.  
Tel. (613) 957-3142; Fax (613) 954-2486.

### **Analytical X-Ray Equipment**

The proposed amendment to the Radiation Emitting Devices Regulations is intended to reflect the recent International Commission on Radiological Protection (ICRP) recommendations of lower dose limits, to incorporate the medical radiation terminology of the International Electrotechnical Commission (IEC), and to enhance interpretation by both regulators and manufacturers. No significant cost increase is expected to result; the simplification should reduce cost.

Alternatives were considered. There is no IEC document for such equipment and no U.S. regulation, but a voluntary American National Standards Institute standard last published in 1978 is available.

**Contact:** Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2.  
Tel. (613) 957-3142; Fax (613) 954-2486.

### **Standard for Diagnostic Ultrasound Devices**

A standard for diagnostic ultrasound devices is being considered for inclusion in the Radiation Emitting Devices Regulations. It will include an upper limit on acoustic output and labelling of acoustic output, both on-screen and in the operator's manual, to enable equipment operators to reduce the risk of fetal and neonatal damage during diagnostic ultrasound examinations.

Several alternatives have been examined. Pre-market review is too costly. The "directions for use" clause in the Medical Devices Regulations only pertains to written labelling. The creation of a Canadian standard is considered the best alternative.

The creation of a standard will ensure a high degree of safety for diagnostic ultrasound examinations, minimizing the risk of tissue damage that may occur during some examinations. The costs should be minimal since the proposed standard is intended to be harmonized with U.S. Food and Drug Administration regulatory requirements.

**Contact:** Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2.  
Tel. (613) 957-3142; Fax (613) 954-2486.

### **Annual Review of Fee Schedule, National Dosimetry Services**

The fee schedule for the National Dosimetry Services will be reviewed to ensure that the projected revenue will provide for full recovery of all

costs of providing these services as directed by the Treasury Board. Pending the outcome of this review, a revised fee schedule will be published in the *Canada Gazette*.

**Contact:** Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2.  
Tel. (613) 957-3142; Fax (613) 954-2486.

### **Submission of Dosimetry Data to the National Dose Registry (NDR)**

As a result of the discussions concerning the privatization of the National Dosimetry Services, it is considered necessary to find a means of ensuring continued submission of dosimetry records to the NDR by private sector dosimetry firms. One possible method is the introduction of regulations at the federal and/or provincial levels. This initiative is necessary to ensure that the National Dose Registry contains all data generated for Canadian workers and, therefore, continues as a viable and useful database for health risk studies and support for regulatory activities.

There will be some costs incurred by these organizations to establish the required communication links.

It should be noted that this item is very dependent upon the outcome of the discussions concerning the privatization of the National Dosimetry Services.

**Contact:** Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2.  
Tel. (613) 957-3142; Fax (613) 954-2486.

### **Drinking Water Safety Act**

This legislation is to provide for the safety of drinking water in Canada by establishing national objectives for the quality of drinking water and by controlling devices and materials used in the treatment and distribution of drinking water.

Contamination of water supplies occurs in many places across Canada and is causing widespread public concern. Canadians will benefit from legislation and regulations that protect their health by ensuring the safety of their drinking water. They will also benefit from regulations that prohibit the sale of ineffective water treatment devices and that prohibit misleading claims and improper labelling.

**Contact:** Dean Correll, Chief, Legislative and Regulatory Processes, Environmental Health Directorate, Health Protection Branch, Department of Health, Ottawa, Ontario, K1A 0L2.  
Tel. (613) 957-3142; Fax (613) 954-2486.

### **Revision of the Consumer Chemicals and Containers Regulations**

The Consumer Chemicals and Containers Regulations prescribe precautionary labelling and, in some instances, child-resistant containers for various chemical products used by the general public. The basic regulations are more than 20 years old and are based on the knowledge of products that were on the market when the regulations were first drafted. Consequently, the regulations do not address the hazards posed by some consumer products introduced since that time. A performance-based regulatory scheme is being developed to replace the current list-based system, to remedy the noted problems and to increase the flexibility and effectiveness of the regulations. For example, any consumer chemical product that ignites and burns readily would be required to bear labelling to inform users of the fire hazard.

Alternatives under review include the status quo and the use of voluntary safety standards. A preliminary economic impact assessment, carried out in 1990 and titled "Impact Assessment of Regulations Governing Hazardous Consumer Chemical Products" examined the economic and social costs and benefits of revising the regulations in the fashion indicated and concluded that the review was justified in terms of potential benefits over costs.

The review is being conducted as a consensus process with the active participation and input of organizations and individuals representing all stakeholders, including industry, seniors and other consumers, the medical profession and public health organizations, technical experts, academia and various government departments.

**Contact:** Richard Viau, Chief, Chemical and Biological Hazards Division, Product Safety, Department of Health, Place du Portage, Phase I, 17th Floor, Hull, Quebec, K1A 0C9.  
Tel. (819) 953-2141; Fax (819) 953-3857.

### **WHMIS Exclusions Review**

Regulatory requirements will have to be developed to implement the Government response to the recommendations of the parliamentary committee on the exclusions from the existing WHMIS requirements of the Hazardous Products Act. This will require the provision of WHMIS-type information for most products presently excluded from the system by removal of the exclusion or establishment of similar requirements under legislation governing the excluded products.

The department will consult with stakeholders, including representatives from industry, organized



labour and provincial/territorial governments, throughout the review process.

**Contact:** Richard Viau, Chief, WHMIS Division, Product Safety, Department of Health, Place du Portage, Phase I, Hull, Quebec, K1A 0C9.  
Tel. (819) 997-1194; Fax (819) 953-3857.

# Human Resources Development, Department of

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## General Information

### Roles and Responsibilities

The new portfolio of the Department of Human Resources Development combines the Department of Employment and Immigration mandate for employment, training and unemployment insurance programs with the mandate assigned to the Department of Labour, and the responsibility for social services and income support programs from the Department of National Health and Welfare. As well, the portfolio includes responsibility for the education support functions, the transfers for post-secondary education, the student loans program and social development programs carried out by the Department of the Secretary of State of Canada.

The portfolio provides an integrated approach to Canada's national investment in people. It brings together, under one Minister, programs supporting the human resource development of Canadians. Its broad policy is to link education/training to the future requirements of the national economy and labour market. This is a major step in building the mobile, educated and skilled workforce needed for Canada's international competitiveness.

### Legislative Mandate

The following legislation is administered by the Department of Human Resources Development.

- Department of Labour Act
- Employment and Immigration Department and Commission Act
- Department of State Act
- Department of National Health and Welfare Act
- Canada Labour Code
  - Part I      –Industrial Relations

- Part II      – Occupational Safety and Health
- Part III     – Labour Standards

- Fair Wages and Hours of Labour Act
- Labour Adjustment Benefits Act
- Merchant Seamen Compensation Act
- An Act Respecting the Hudson Bay Mining and Smelting Co. Limited
- Government Employees Compensation Act
- Non-smokers' Health Act
- Canada Student Loans Act
- Canada Pension Plan
- Old Age Security Act
- Family Allowances Act
- Canada Assistance Plan
- Vocational Rehabilitation of Disabled Persons Act
- Unemployment Insurance Act
- Employment Equity Act
- National Training Act
- Government Annuities Act
- Government Annuities Improvement Act
- Children's Special Allowance Act
- Canadian Centre for Occupational, Health & Safety Act (OIC)
- Federal/Provincial Fiscal Arrangements Act
- Status of Artist Act, Part II

## Initiatives for 1994

### HRD-1

#### Status of the Artist Professional Category Regulations

The Minister of Human Resources Development, after consultation with the Minister of Communications (now Canadian Heritage), has responsibility for recommending regulations relative to certain aspects of the Status of the Artist Act: the determination of professional categories contributing to the creation of productions; the availability of arbitral determinations; and the remuneration to be paid to persons not employed in the public service who perform functions under Part II of the Act.

The two latter regulations will deal with routine administrative matters and will have only minor cost implications. The regulations defining the professional categories which contribute to artistic productions should be of interest to persons who function as independent contractors in the artistic community. The effect of these regulations will be to extend the benefits of the Status of the Artist Act to persons practising within those professional categories in the federal jurisdiction.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number LAB-1.

**Contact:** Debra Robinson, Director, Legislative Development and Operational Research, Federal Mediation and Conciliation Service, Department of Human Resources Development, Place du Portage, Phase II, 165 Hôtel de Ville Street, Ottawa, Ontario, K1A 0J9.

Tel. (819) 994-3899; Fax (819) 953-3162.

#### HRD-2

##### **Canada Occupational Safety and Health (OSH) Regulations – Amendments to Part II (Building Safety)**

This regulatory initiative is intended to address OSH concerns regarding working conditions in permanent structures (buildings, grain handling facilities, communications towers). As part of the Department of Labour's client consultation process, a working group composed of management, organized labour and Labour representatives reviewed the regulations respecting building safety. Proposed amendments will update the regulations in accordance with current technology. Some requirements respecting grain elevators and communications towers will be added, to address the special requirements in these structures. In addition, there will be new requirements regarding the operation, inspection, testing, cleaning and maintenance of heating, ventilating and air conditioning systems in buildings. The working group phase of the initiative has been completed. Non-consensus items will be addressed, after the Regulatory Impact Analysis Statement (RIAS) has been completed.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number LAB-6.

**Contact:** Phyllis O'Brien, Program Consultant, Occupational Safety and Health Branch, Department of Human Resources Development, Place du Portage, Phase II, 165 Hôtel de Ville Street, Ottawa, Ontario, K1A 0J9.

Tel. (819) 994-0887; Fax (819) 997-1664.

#### HRD-3

##### **Canada Occupational Safety and Health (OSH) Regulations – Amendments to Part X (Hazardous Substances)**

This regulatory initiative is intended to address OSH concerns surrounding the use of hazardous substances in the workplace. As part of the Department of Labour's client consultation process, a working group comprised of management, organized labour and Labour representatives reviewed the regulations respecting hazardous substances. Proposed amendments clarify and update the regulations, bringing them in line with current knowledge, technology and standards.

The proposed amendments are at Privy Council Office (Justice) for legal examination prior to prepublication.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number LAB-7.

**Contact:** Horace Brennan, Program Consultant, Occupational Safety and Health Branch, Department of Human Resources Development, Place du Portage, Phase II, 165 Hôtel de Ville Street, Ottawa, Ontario, K1A 0J9.

Tel. (819) 953-0232; Fax (819) 997-1664.

#### HRD-4

##### **Occupational Safety and Health (OSH) Regulations – Amendments to Part XIV (Materials Handling)**

This regulatory initiative addresses OSH concerns, regarding the handling of materials in the workplace, either manually or by materials handling equipment. As part of the Department of Labour's client consultation process, a working group comprised of management, organized labour and Labour representatives reviewed the regulations respecting materials handling. Proposed amendments clarify and update the regulations to reflect current technology and updated industry standards. The proposed amendments are at Privy Council Office (Justice) for legal examination prior to prepublication.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number LAB-8.

**Contact:** Horace Brennan, Program Consultant, Occupational Safety and Health Branch, Department of Human Resources Development, Place du Portage, Phase II, 165 Hôtel de Ville Street, Ottawa, Ontario, K1A 0J9.

Tel. (819) 953-0232; Fax (819) 997-1664.

#### HRD-5

##### **Canada Occupational Safety and Health (OSH) Regulations, Amendments to – Disabilities Project**

This regulatory review is intended to identify and remove barriers to persons with disabilities, which may exist in the current regulations. A working group established by the Department of Labour, consisting of representatives of persons with disabilities and employer and employee representatives of federally regulated workplaces has completed its review and recommended revisions to the regulations.



The proposed amendments are at Privy Council Office (Justice) for legal examination prior to prepublication.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number LAB-9.

**Contact:** Doug Malanka, Program Consultant, Occupational Safety and Health, Department of Human Resources Development, Place du Portage, Phase II, 165 Hôtel de Ville Street, Ottawa, Ontario, K1A 0J9.

Tel. (819) 953-0233; Fax (819) 997-1664.

#### HRD-6

##### **Oil and Gas Occupational Safety and Health (OSH) Regulations – Revisions**

Comprehensive amendments to these regulations are required to update the regulations and to incorporate current technology and industry standards into the text. This is necessary to protect the safety and health of persons employed on, or in connection with, exploration or drilling for, or the production, conservation, processing or transportation of oil or gas in Canada Lands, as defined in the Canada Oil and Gas Act.

This initiative has been undertaken jointly by the National Energy Board (formerly Canada Oil and Gas Lands Administration) and this department.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Horace Brennan, Program Consultant, Occupational Safety and Health Branch, Department of Human Resources Development, Place du Portage, Phase II, 165 Hôtel de Ville Street, Ottawa, Ontario, K1A 0J9.

Tel. (819) 953-0232; Fax (819) 997-1664.

#### HRD-7

##### **Canada Occupational Safety and Health (OSH) Regulations – Amendments to Part XI (Confined Spaces)**

Housekeeping amendments are required as a result of the review of the existing regulations by the Standing Joint Committee on Scrutiny of Regulations, and to correct a number of inconsistencies between the French and English versions.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Phyllis O'Brien, Program Consultant, Occupational Safety and Health Branch, Department of Human Resources Development, Place du Portage, Phase II, 165 Hôtel de Ville Street, Ottawa, Ontario, K1A 0J9.

Tel. (819) 994-0887; Fax (819) 997-1664.

#### HRD-8

##### **Occupational Safety and Health (OSH) Regulations – Diving Safety**

This regulatory initiative is intended to regulate commercial and scientific diving operations in the federal jurisdiction, and is required to protect the safety and health of divers, due to the hazardous nature of diving operations.

As part of the department's client consultation process, a working group composed of management, organized labour and the department's representatives was formed to review existing diving regulations in other jurisdictions, and to determine the best course of action for this initiative.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Diane Rguem, Program Consultant, Occupational Safety and Health Branch, Department of Human Resources Development, Place du Portage, Phase II, 165 Hôtel de Ville Street, Ottawa, Ontario, K1A 0J9.

Tel. (819) 953-0230; Fax (819) 997-1664.

#### HRD-9

##### **Coal Mining (CBDC) Occupational Safety and Health (OSH) Regulations – Amendments**

As part of the department's client consultation process, a working group composed of management, organized labour and the department's representatives is reviewing the coal mining regulations during meetings in Sydney, Nova Scotia.

The working group is proceeding in a clause-by-clause review of the regulations, and expects to complete its review by late fall of 1994.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Doug Malanka, Program Consultant, Occupational Safety and Health, Department of Human Resources Development, Place du Portage, Phase II, 165 Hôtel de Ville Street, Ottawa, Ontario, K1A 0J9.

Tel. (819) 953-0233; Fax (819) 997-1664.

#### HRD-10

##### **Canada Occupational Safety and Health (OSH) Regulations – Revisions**

Housekeeping amendments are required as a result of a review of the existing regulations by the Standing Joint Committee on Regulatory Scrutiny, and to correct a number of inconsistencies resulting from statutory revision and renumbering of Part II of the Canada Labour Code.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Federal Regulatory Plan as initiative number LAB-10.

**Contact:** Rick Seaman, Program Consultant, Occupational Safety and Health Branch, Department of Human Resources Development, Place du Portage, Phase II, 165 Hôtel de Ville Street, Ottawa, Ontario, K1A 0J9.

Tel. (819) 953-0229; Fax (819) 997-1664.

#### HRD-11

##### **On-Board Trains Occupational Safety and Health (OSH) Regulations – Revisions**

Housekeeping amendments are required as a result of a review of the existing regulations by the Standing Joint Committee on Regulatory Scrutiny, and to correct a number of inconsistencies resulting from statutory revision and renumbering of Part II of the Canada Labour Code.

The proposed amendments are at Privy Council Office (Justice) for legal examination prior to prepublication.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Federal Regulatory Plan as initiative number LAB-12.

**Contact:** Rick Seaman, Program Consultant, Occupational Safety and Health Branch, Department of Human Resources Development, Place du Portage, Phase II, 165 Hôtel de Ville Street, Ottawa, Ontario, K1A 0J9.

Tel. (819) 953-0229; Fax (819) 997-1664.

#### HRD-12

##### **Marine Occupational Safety and Health (OSH) Regulations – Revisions**

Housekeeping amendments are required as a result of a review of the existing regulations by the Standing Joint Committee on Regulatory Scrutiny, and to correct a number of inconsistencies resulting from statutory revision and renumbering of Part II of the Canada Labour Code.

The proposed amendments are at Privy Council Office (Justice) for legal examination prior to prepublication.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Federal Regulatory Plan as initiative number LAB-13.

**Contact:** Rick Seaman, Program Consultant, Occupational Safety and Health Branch, Department of Human Resources Development, Place du Portage, Phase II, 165 Hôtel de Ville Street, Ottawa, Ontario, K1A 0J9.

Tel. (819) 953-0229; Fax (819) 997-1664.

#### HRD-13

##### **Canada Labour Standards Regulations – Revisions**

Part III of the Canada Labour Code provides minimum labour standards for federally regulated undertakings. The standards include hours of work, minimum wages, vacation and general holidays, bereavement and sick leave, work-related illness and injury, maternity-related reassignment, maternity and parental leave, termination and severance pay, unjust dismissal, and recovery of wages. The significant regulatory requirements associated with Part III are contained in the Canada Labour Standards Regulations.

Revision of the Canada Labour Standards Regulations will be of a housekeeping nature. The complexity of Regulation 20, which provides for the calculation and determination of the hourly rate of wages, is time consuming and, therefore, costly both to the client and the department. Changing the language will facilitate the process. The schedule of industrial establishments will also be reviewed.

There is no viable alternative, including maintaining the status quo.

The regulatory revision will be developed by labour, management and departmental representatives on the Labour Standards Client Consultation Committee. Other stakeholders will be made aware of the department's plans through a notice in the *Canada Gazette*.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number LAB-4.

**Contact:** P.W. Worona, Director, Labour Standards Legislation, Department of Human Resources Development, Place du Portage, Phase II, 165 Hôtel de Ville Street, Ottawa, Ontario, K1A 0J9.

Tel. (819) 953-0193; Fax (819) 997-1664.

#### HRD-14

##### **Federal Minimum Wage – Revision**

The federal minimum wage, currently set at \$4.00 per hour, was last revised in 1986. It is established by way of Order in Council and the Canada Labour Standards Regulations.

All provincial and territorial labour jurisdictions have promulgated minimum wage rates which exceed the federal rate, and the Department of Human Resources Development plans to review the federal rate to bring it in line with other Canadian minimum wage standards. There are no cost impacts anticipated, since there are few minimum wage earners in the federal jurisdiction, and most are paid the applicable provincial or territorial rate in practice.



The revision of the federal minimum wage will be undertaken in consultation with the Labour Standards Client Consultation Committee. Alternative under review is incorporation by reference of provincial minimum wage rates.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number LAB-5.

**Contact:** P.W. Worona, Director, Labour Standards Legislation, Department of Human Resources Development, Place du Portage, Phase II, 165 Hôtel de Ville Street, Ottawa, Ontario, K1A 0J9. Tel. (819) 953-0193; Fax (819) 997-1664.

#### HRD-15

##### **Rabbit Lake Uranium Workers Hours of Work Regulations**

On July 8, 1975, the Rabbit Lake Uranium Workers Hours of Work Regulations were promulgated following a Commission of Inquiry. The regulations applied to employees engaged in the operation of the uranium mine of Gulf Minerals Canada Limited in the province of Saskatchewan.

With the June 23, 1993, passing of Chapter 42, Statutes of Canada 1993, an Act to amend the Canada Labour Code and the Public Service Staff Relations Act, the Rabbit Lake Uranium Workers Hours of Work Regulations are no longer required. The department will advise the parties affected of its intention to revoke these regulations.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** P.W. Worona, Director, Labour Standards Legislation, Department of Human Resources Development, Place du Portage, Phase II, 165 Hôtel de Ville Street, Ottawa, Ontario, K1A 0J9. Tel. (819) 953-0193; Fax (819) 997-1664.

#### HRD-16

##### **Commission Salespersons Hours of Work Regulations**

Part III of the Canada Labour Code provides minimum standards which include hours of work. Regulations exempting any class of employees from the application of the hours of work provisions may be made by way of Order in Council.

The Department of Human Resources Development is considering making new regulations exempting certain classes of salespersons from the application of one or more sections of the hours of work provisions which cannot be reasonably applied to these employees.

There is no viable alternative at this stage.

The department will consult with labour, management and departmental representatives on

the Labour Standards Client Consultation Committee. Other stakeholders will be made aware of the department's plan through a notice in the *Canada Gazette*.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** P.W. Worona, Director, Labour Standards Legislation, Department of Human Resources Development, Place du Portage, Phase II, 165 Hôtel de Ville Street, Ottawa, Ontario, K1A 0J9. Tel. (819) 953-0193; Fax (819) 997-1664.

#### HRD-17

##### **Fair Wages Policy Order and Fair Wages and Hours of Labour Regulations**

The Government of Canada adopted the first Fair Wages Policy Order in 1900. This adoption had as its origin the drawing of public and parliamentary attention to the fact that contractors trying for government contracts, tended to compete on the basis of labour costs by paying wages below a reasonable standard. The Fair Wages Policy Order established a number of administrative procedures which included the investigation of complaints against contractors for failing to meet the requirements of the Fair Wages Policy.

The Fair Wages and Hours of Labour Act was enacted in 1935 to replace the Fair Wages and Eight Hour-Day Act of 1930. The Fair Wages and Hours of Labour Act, amended in 1967, defines "fair wages", establishes "hours of work" and, generally governs the application of both to "every contract made with the Government of Canada for construction, remodelling, repair or demolition of any work". The Act of 1935 provided the Governor in Council with regulatory powers, and in 1954 the Fair Wages and Hours of Labour Regulations were promulgated.

The Department of Human Resources Development is considering a consolidation of the Fair Wages Policy Order and the Fair Wages and Hours of Labour Regulations. This consolidation will include streamlining the administration process; eliminating potential inconsistencies with the Charter of Rights and Freedoms; and eliminating conflicts with provincial standards. The consolidation will also clarify the language and terminology.

There is no viable alternative at this stage.

The department will consult with labour, the interdepartmental committee on government contracts and the Canadian Construction Association. Other stakeholders will be made aware of the department's plan through a notice in the *Canada Gazette*.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** P.W. Worona, Director, Labour Standards Legislation, Department of Human Resources Development, Place du Portage, Phase II, 165 Hôtel de Ville Street, Ottawa, Ontario, K1A 0J9. Tel. (819) 953-0193; Fax (819) 997-1664.

#### HRD-18

##### **Merchant Seamen Compensation Order**

The Merchant Seamen Compensation Act provides for periodic adjustments to injury compensation benefits awarded by the Merchant Seamen Compensation Board to seamen employed or engaged on ships registered in Canada, chartered to Canadian residents or chartered to individuals whose principal place of business is in Canada. These adjustments are implemented by way of Order, following regular review of federal and provincial compensation rates by the Merchant Seamen Compensation Board. Consultations with affected employers and employees are routinely undertaken as part of the Board's review.

Adjustments were made in 1986 and again in 1992. During 1994, the Board may propose adjustments to merchant seamen compensation rates to ensure the rates remain in line with provincial benefits. No incremental change to existing benefits and costs are anticipated. There are fewer than 20 claims for merchant seamen compensation each year.

**Classification:** Low cost

**Status:** This is a recurring initiative.

**Contact:** Gary Seymour, Secretary, Merchant Seamen Compensation Board, Department of Human Resources Development, Place du Portage, Phase II, 165 Hôtel de Ville Street, Ottawa, Ontario, K1A 0J9. Tel. (819) 953-0247; Fax (819) 997-1664.

#### HRD-19

##### **Labour Adjustment Benefits Allocation of Remuneration Regulations – Revisions**

The Labour Adjustment Benefits Act, which governs the administration of the Labour Adjustment Benefits (LAB) Program, was proclaimed on May 1, 1982. The LAB Program provides last-resort income maintenance benefits to older workers who have been laid off from certain industries designated by the federal government and who, because of age and possession of skills specific to those industries, cannot be assisted through employment placement and other adjustment programs. Recipients of labour adjustment benefits have exhausted unemployment insurance benefits and have no prospects for re-employment. The significant regulatory requirements associated with the LAB Act

are contained in the Labour Adjustment Benefits Allocation of Remuneration Regulations.

The proposed revision of the LAB Regulations will allow the allocation of pension earnings, such as withdrawals by a LAB beneficiary from a Registered Retirement Savings Plan, to be made consecutively rather than, as is presently the case, concurrently. These regulatory amendments would preserve the intent and integrity of the LAB Act which suggests LAB is a last resort payment. There are no cost impacts, and the potential savings depend on the amount of the weekly LAB benefit, the weekly amount that the periodic payment represents, and the number and size of the withdrawals from the recipient's RRSP.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Federal Regulatory Plan as initiative number LAB-2.

**Contact:** Wayne Lennon, Senior Analyst, Older Worker Adjustment Branch, Department of Human Resources Development, Place du Portage, Phase II, 165 Hôtel de Ville Street, Ottawa, Ontario, K1A 0J9.

Tel. (819) 953-0197; Fax (819) 953-8804.

#### HRD-20

##### **User Fees – Bureau of Labour Information Products and Services**

The Bureau first began to recover some of its costs during fiscal year 1990/91. Charges have been introduced for the quarterly Major Wage Settlements and the monthly Collective Bargaining Review and Wage Settlements Bulletin.

In fiscal year 1993/94, the Bureau intends to launch two new services. The first will deliver to subscribers individual reports of recent collective bargaining settlements via facsimile service. The second will offer subscribers on-line access to all major contract settlements in Canada – current and historical. This database will be accessible by modem to any client with a personal computer, and both services will allow clients to obtain more timely information on bargaining situations of greatest interest.

The Bureau is also currently reviewing pricing strategies for some of its research services presently offered free of charge. By introducing minimal service fees, the Bureau will be able to provide an improved and more comprehensive research and consulting service, better targeted to the needs of its clientele.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Federal Regulatory Plan as initiative number LAB-3.

**Contact:** Robert Gordon, Executive Director, Bureau of Labour Information, Department of Human



Resources Development, Place du Portage,  
Phase II, 165 Hôtel de Ville Street, Ottawa, Ontario,  
K1A 0J9.  
Tel. (819) 994-4204; Fax (819) 953-9582.

#### HRD-21

##### **National Training Regulations – Rate of Training Allowances**

Sections 5.1, 6, 8.1 and 9.1 of the National Training Regulations prescribe the rate of training allowances and supplementary allowances that may be payable to an adult who is being trained on a course. The Canada Employment and Immigration Commission has directed that current rates be reviewed annually in relation to other income support measures and revised as required to ensure that allowance levels maintain their adequacy. This regulatory initiative is being analyzed together with the Developmental Assistance Regulations – Supplementary Training Allowances initiative.

If the annual review reveals that training allowances and supplementary allowances need to be modified, there could be a major economic impact.

**Classification:** Major

**Status:** This is a recurring initiative.

**Contact:** Robert Senez, Acting Chief, Program Development, Employment Policies, Department of Human Resources Development, Place du Portage, Phase IV, 4th Floor, 140 Promenade du Portage, Ottawa, Ontario, K1A 0J9.  
Tel. (819) 953-1810; Fax (819) 994-2314.

#### HRD-22

##### **Developmental Assistance – Supplementary Training Allowances**

Subsections 108 to 111 of the Unemployment Insurance Regulations prescribe the supplementary training allowances that may be payable to a claimant who is being trained on a course. The Canada Employment and Immigration Commission has directed that current rates be reviewed annually in relation to other income support measures and revised as required to ensure that allowance levels maintain their adequacy. This regulatory initiative is being analyzed together with the National Training Regulations – Rate of Training Allowances.

If the annual review reveals that the rate of benefits and supplementary training allowances need to be modified, there could be a major economic impact.

**Classification:** Major

**Status:** This is a recurring initiative.

**Contact:** Robert Senez, Acting Chief, Program Development, Employment Policies, Department of Human Resources Development, Place du Portage, Phase IV, 4th Floor, 140 Promenade du Portage,

Ottawa, Ontario, K1A 0J9.  
Tel. (819) 953-1810; Fax (819) 994-2314.

#### HRD-23

##### **Developmental Assistance – Mobility Assistance**

Geographic mobility is an important factor in labour market adjustment. Therefore, relocation to a new community represents one response by Canadian workers to changes in demand for their skills. Costs and length of establishment in a community play an important part in a worker's decision to relocate, particularly where significant geographic distances are involved.

New regulations are being developed. The new regulatory provisions would facilitate the labour market adjustment of unemployed workers by providing them with financial incentives to look for jobs in areas where employment opportunities are greater, to relocate where they have found new employment or to travel to temporary employment.

**Classification:** Major

**Status:** This initiative appeared in the 1993 Federal Regulatory Plan as initiative number EIC-3.

**Contact:** Robert Senez, Acting Chief, Program Development, Employment Policies, Department of Human Resources Development, Place du Portage, Phase IV, 4th Floor, 140 Promenade du Portage, Ottawa, Ontario, K1A 0J9.  
Tel. (819) 953-1810; Fax (819) 994-2314.

#### HRD-24

##### **Unemployment Insurance Regulations – Minor, Technical or Housekeeping Amendments**

Periodically, the need to make minor, technical or housekeeping amendments arises.

In view of the nature of the potential amendments, any impact will be minimal.

**Classification:** Low cost

**Status:** This is a recurring initiative.

**Contact:** Guy Grenon, Senior Policy Advisor, Insurance, Department of Human Resources Development, Place du Portage, Phase IV, 11th Floor, 140 Promenade du Portage, Ottawa, Ontario, K1A 0J9.  
Tel. (819) 997-8625; Fax (819) 953-9381.

#### HRD-25

##### **Unemployment Insurance Regulations (UI) – Reduction of Premiums for Employers with Wage Loss Plans**

During 1991/92, the Premium Reduction Program underwent a comprehensive review from which specific recommendations were made to improve program responsiveness and efficiency. It is expected that the implementation of these

recommendations will remove program irritants for clients and staff; provide for a better understanding of the Program by clients; provide for a more efficient administration; and make the Program more equitable.

These recommendations, if adopted, will require several amendments to Part III of the UI Regulations. As many of the regulations are interrelated, the changes will be extensive. Potentially sections 18, 19, 20, 21, 22, 23, 24, 25 and 26 of the Regulations may be affected. These recommendations were made to the Program by our clients and stakeholders and should be well received. No financial impact from the proposed changes is foreseen.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number EIC-26.

**Contact:** Michael Meagher, Chief, Policy, Liaison and Audit, Premium Reduction Program, Insurance, Department of Human Resources Development, Place du Portage, Phase IV, 11th floor, 140 Promenade du Portage, Ottawa, Ontario, K1A 0J9.  
Tel. (819) 994-5191; Fax (819) 953-9381.

#### HRD-26

##### **Unemployment Insurance Regulations – Proof of Pregnancy**

The regulations at present require that a woman applying for maternity benefits must, to prove her pregnancy, furnish a certificate completed by a medical doctor. A study will be undertaken to see whether the scope of the authorization should be broadened to include midwives.

Any amendment to expand such authorization should be well received and there should be no additional cost.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number EIC-27.

**Contact:** Robert Turner, Chief, Medical Advisory Services, Insurance, Department of Human Resources Development, Place du Portage, Phase II, 4th Floor, 165 Hôtel de Ville Street, Ottawa, Ontario, K1A 0J9.  
Tel. (819) 997-3925; Fax (819) 953-8745.

#### HRD-27

##### **Unemployment Insurance Regulations – Redefinition of a Working Day**

Section 14 of the Unemployment Insurance Act requires a claimant to be available for work for any "working day". This term is defined in section 45 as

being any day of the week except Saturday and Sunday.

The proposed amendment to the definition of "working day" will take into consideration the fact that Saturdays and Sundays have become working days for a significant part of the labour force, and will take into account legislated or religious holidays falling on days other than Saturdays and Sundays. This amendment should be well received and on balance. There should be no additional cost.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number EIC-29.

**Contact:** Doris Beaman, Senior Policy Advisor, Insurance, Department of Human Resources Development, Place du Portage, Phase IV, 11th Floor, 140 Promenade du Portage, Ottawa, Ontario, K1A 0J9.  
Tel. (819) 997-8626; Fax (819) 953-9381.

#### HRD-28

##### **Unemployment Insurance Regulations – Revision of Earnings Definition and Allocation Provisions**

The justice section of the Privy Council Office has initiated a project to revamp sections 57 and 58 of the UI Regulations defining and allocating the earnings to be considered for benefit purposes. The rewrite is needed to streamline the various provisions of sections 57 and 58 to make them clear and consequently easier to understand and apply. The Department of Human Resources Development is co-operating in this initiative.

This rewrite will in no way change the legislative policy and intent and, therefore, will not have any financial impact. Since streamlining and clarity are the objects of the exercise, this rewrite will improve administration.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number EIC-30.

**Contact:** Guy Grenon, Senior Policy Advisor, Insurance, Department of Human Resources Development, Place du Portage, Phase IV, 11th Floor, 140 Promenade du Portage, Ottawa, Ontario, K1A 0J9.  
Tel. (819) 997-8625; Fax (819) 953-9381.

#### HRD-29

##### **Unemployment Insurance Regulations – Exclusion of Non-taxable Disability Income from Earnings**

A bill has been passed by Parliament which amends the Income Tax Act to exclude certain disability benefits or allowances (such as transportation



allowance received by employees from employers) from taxable income.

For purposes of consistency, it is proposed to amend subsection 57(3) of the Unemployment Insurance Regulations to make it clear that all disability non-taxable income from employment will be specifically excluded as earnings for Unemployment Insurance benefit purposes.

The impact will be negligible since the proposed amendment would affect only disabled workers employed part-time while receiving Unemployment Insurance benefits and, the number of those receiving such non-taxable allowances is estimated to be extremely low.

**Classification:** Low cost

**Status:** This initiative appeared in the 1992 Regulatory Plan as initiative number EIC-25.

**Contact:** Guy Grenon, Senior Policy Advisor, Insurance, Department of Human Resources Development, Place du Portage, Phase IV, 11th Floor, 140 Promenade du Portage, Ottawa, Ontario, K1A 0J9.

Tel. (819) 997-8625; Fax (819) 953-9381.

#### HRD-30

##### **Unemployment Insurance Regulations – Insurability of Taxi Drivers**

The Department of National Revenue and taxi drivers have made representations to have paragraph 12(e) of the UI Regulations amended. It is proposed to insert the word "sole" before the words "owner of the vehicle" so that the only persons who are excluded from coverage are those persons who own a taxi by themselves. Some taxi brokers have been forcing drivers to buy a share of the cab, e.g. 1/12th, so that they would be excluded from coverage by the wording of Regulations 12(e). The amendment will prevent such circumvention of the regulation.

Since the practice is relatively new and not widespread, there will be extremely minimal additional cost and the amendment should be well received generally.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Glenn Ramsay, Senior Policy Advisor, Insurance, Department of Human Resources Development, Place du Portage, Phase IV, 11th Floor, 140 Promenade du Portage, Ottawa, Ontario, K1A 0J9.

Tel. (819) 994-6044; Fax (819) 953-9381.

#### HRD-31

##### **Unemployment Insurance Regulations – Allocation of earnings for real estate salespersons**

The current method of deducting the earnings of real estate agents claiming UI benefits is to deduct them from the benefits for the week in which the deal is actually finalized. Recent case law raises the possibility of deducting the earnings retroactively at the time the services are performed, which would result in a UI benefit overpayment. The proposed amendment would ensure that the current method is preserved.

There will be no additional cost and the amendment should be well received generally.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Glenn Ramsay, Senior Policy Advisor, Insurance, Department of Human Resources Development, Place du Portage, Phase IV, 11th Floor, 140 Promenade du Portage, Ottawa, Ontario, K1A 0J9.

Tel. (819) 994-6044; Fax (819) 953-9381.

#### HRD-32

##### **Old Age Security Regulations: Info-sharing with Provinces**

The Old Age Security Regulations concerning the communication of information with provincial governments will be amended in order to make it consistent to the same regulation under the Canada Pension Plan. Since the legislation governing both the Old Age Security program and the Canada Pension Plan fall under the purview of the same Branch, the administration is trying to word in the same fashion the legislative provisions that have the same scope. The amendment will allow for the release of information to provincial governments in order to determine the eligibility of a person, to calculate the entitlement amount and to deliver the benefit payable to that person under a social program, income assistance program or health insurance program in the province.

The release of information to a government of a province may facilitate the payment of provincial benefits, improve or speed up access to the services they offer. It may also assist the provinces in ensuring that only eligible individuals receive benefits. This amendment is administrative in nature and does not incur costs.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Terry de March, Chief, Legislation, Income Security Policy and Legislation, Income Security Programs Branch, Department of Human Resources

Development, 8th Floor, Tower B, Place Vanier,  
355 River Road, Vanier, Ontario, K1A 0L1.  
Tel. (613) 957-1626; Fax (613) 991-9119.

#### HRD-33

##### **Canada Pension Plan Regulations: Removal of Schedule of International Agreements**

Schedule IX to the Canada Pension Plan Regulations is being revoked. The schedule simply lists those countries with which Canada has entered into an international social security agreement and the date benefits first became payable under each agreement. The original purpose of the schedule was to keep the public informed of the introduction of such international agreements. However, as the information is generally not up-to-date, other communication vehicles are being used to more effectively meet this objective.

*Classification:* Low cost

*Status:* This initiative appeared in the 1993 Federal Regulatory Plan as initiative number HWC-58.

*Contact:* Terry de March, Chief, Legislation, Income Security Policy and Legislation, Income Security Programs Branch, Department of Human Resources Development, 8th Floor, Tower B, Place Vanier, 355 River Road, Vanier, Ontario, K1A 0L1.  
Tel. (613) 957-1626; Fax (613) 991-9119.

#### HRD-34

##### **Old Age Security Regulations: Removal of Schedule of International Agreements**

The schedule to the Old Age Security Regulations is being revoked. The schedule simply lists those countries with which Canada has entered into an international social security agreement and the date benefits first became payable under each agreement. The original purpose of the schedule was to keep the public informed of the introduction of such international agreements. However, as the information is generally not up-to-date, other communication vehicles are being used to more effectively meet this objective.

*Classification:* Low cost

*Status:* This initiative appeared in the 1993 Federal Regulatory Plan as initiative number HWC-59.

*Contact:* Terry de March, Chief, Legislation, Income Security Policy and Legislation, Income Security Programs Branch, Department of Human Resources Development, 8th Floor, Tower B, Place Vanier, 355 River Road, Vanier, Ontario, K1A 0L1.  
Tel. (613) 957-1626; Fax (613) 991-9119.

#### HRD-35

##### **Old Age Security Regulations: Residence Rules**

The amendments will enable a more equitable determination of the number of years of residence in Canada for Old Age Security benefits in situations where individuals residing in Canada have periods of absence from Canada.

*Classification:* Major

*Status:* This initiative appeared in the 1993 Federal Regulatory Plan as initiative number HWC-60.

*Contact:* Terry de March, Chief, Legislation, Income Security Policy and Legislation, Income Security Programs Branch, Department of Human Resources Development, 8th Floor, Tower B, Place Vanier, 355 River Road, Vanier, Ontario, K1A 0L1.  
Tel. (613) 957-1626; Fax (613) 991-9119.

#### HRD-36

##### **Old Age Security Regulations: Delegation of Powers**

Recent changes were made to the Interpretation Act which amend provisions dealing with Ministerial delegation. Relevant regulations are being amended to replace the titles of departmental officials who have been delegated Ministerial authority with the term "minister".

*Classification:* Low cost

*Status:* This initiative appeared in the 1993 Federal Regulatory Plan as initiative number HWC-61.

*Contact:* Terry de March, Chief, Legislation, Income Security Policy and Legislation, Income Security Programs Branch, Department of Human Resources Development, 8th Floor, Tower B, Place Vanier, 355 River Road, Vanier, Ontario, K1A 0L1.  
Tel. (613) 957-1626; Fax (613) 991-9119.

#### HRD-37

##### **Canada Student Loans Regulations**

The Canada Student Loans Program is being comprehensively re-examined with a view to improving access to, and results obtained, in post-secondary learning. Changes may include amendments to the Canada Student Loans Regulations as well as the introduction of new regulations to give effect to new legislation. Also being considered are other measures to reduce costs and establish new working arrangements, to enhance assistance to needy students, improve the assessment of financial need, place greater emphasis on educational results, to prevent defaults from occurring and ensure consistency in program delivery.

Consultations with stakeholders are ongoing. Proposed changes are being discussed with representatives of all interested parties, particularly



through the National Advisory Group on Student Financial Assistance and the Intergovernmental Consultative Committee on Student Financial Assistance. Any changes would likely affect post-secondary students, lenders, post-secondary educational institutions, and provincial student aid activities.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number SEC-2.

**Contact:** Laurent Marcoux, Director, Policy and Programs, Student Assistance Branch, Department of Human Resources Development, 15 Eddy Street, Hull, Quebec, K1A 0M5.

Tel. (819) 994-5012; Fax (819) 953-6057.

## Future Initiatives

### Federal Workers Compensation Reform

The Department of Human Resources Development is continuing to review the Government Employees Compensation Act (GECA) and similar federal programs that provide compensation benefits for work-related injuries or illnesses. The objectives of the review are to identify and recommend solutions for escalating problems and irritants arising from the existing Act and to streamline, harmonize and reconcile federal workers compensation programs.

The Federal Workers Compensation Client Consultation Committee, composed of a balanced representation from employer and employee groups, reached a consensus that calls for a single, national benefits package for the GECA, alternate coverage for arms-length federal Crown corporations, and removal of the tax exemption for employer-paid salary continuation during injury leave. Discussions are also continuing with existing and alternate delivery agents, e.g., provincial workers compensation boards, other federal compensation authorities, and private insurance carriers.

**Contact:** Jane Riewe, Chief of Legislation, Federal Workers Compensation Service, Department of Human Resources Development, Place du Portage, Phase II, 165 Hôtel de Ville Street, Ottawa, Ontario, K1A 0J9.

Tel. (819) 997-2371; Fax (819) 997-1664.

### Employment Equity Act

The Employment Equity Act has been in force since 1986, and has had one parliamentary review. Both the Act and the regulations may need to be amended in the future. In the meantime, it may be necessary to amend the current regulations to

adjust certain technical sections. For example, with the implementation of the new occupational classification system (NOC), the regulations that specify the occupational groups according to the old occupational classification system (SOC) will need to be updated.

**Contact:** Gay Stinson, Director, Legislated Employment Equity, Department of Human Resources Development, Place du Portage, Phase IV, 5th floor, 140 Promenade du Portage, Ottawa, Ontario, K1A 0J9.

Tel. (819) 953-7495; Fax (819) 953-8768.

### Unemployment Insurance (UI) – Employment History Reporting System

A task force has begun a study of the system currently used to collect employment history data for the purpose of assessing Unemployment Insurance entitlement. The objective of the study is to design a new and more efficient system of employment history reporting in order to reduce the administrative costs of the UI program and of employers.

Although the study is in the early stages, it is anticipated that some regulatory changes will be required. To make the new reporting system more flexible and to make better use of electronic technology than is possible with the current paper-based system, changes to section 35 of the UI Regulations would be required. Depending on the findings of the Task Force, other changes to the UI Regulations and perhaps the UI Act could be required. Presently, the Task Force plans to table its recommendations in mid-1994 with implementation following in 1995.

The Task Force will include representatives from labour, business, the departments of National Revenue and Human Resources Development. Extensive research and consultation will take place with claimants, employers and worker associations, payroll service bureaus/banks, software developers, staff of the departments of Employment and Immigration, National Revenue, Statistics Canada, Supply and Services and other federal departments and agencies. This will also include constituency offices of Members of Parliament, provincial governments, and the administrations of unemployment insurance programs in other countries which are members of the Organization for Economic Cooperation and Development (OECD).

**Contact:** W.G. Leslie, Managing Director, Employment History Reporting System Task Force, Department of Human Resources Development, 8th floor, 473 Albert Street, Ottawa, Ontario,

K1R 5B4.

Tel. (613) 941-8255; Fax (613) 947-3547.

### **UI Economic Regions**

As stated in subsection 61(2) of the UI Regulations the configuration of UI Economic Regions must be reviewed every five years. Entitlement to UI benefits is directly tied to the economic region in which an individual lives.

The next review is to be completed in 1995. The current configuration has been in place since 1990 and includes 26 urban regions based on the boundaries of Statistic Canada's 1986 Census Metropolitan Areas, and 36 rural regions. The Department of Human Resources Development is considering amendments which will better define local labour markets in Canada and ensure fair access to UI Benefits. The objective of the review is to define homogeneous labour markets large enough to yield reliable monthly unemployment rate estimates.

The department will consult with departmental officials from each of its regions.

**Contact:** Danielle Labonté, Chief, UI Policy Analysis, Strategic Policy and Planning, Department of Human Resources Development, Place du Portage, Phase IV, 8th Floor, 140 Promenade du Portage, Ottawa, Ontario, K1A 0J9.

Tel. (819) 953-3157; Fax (819) 953-8479.

### **Legislative and regulatory changes required pursuant to the Income Security Programs Redesign Project**

The Income Security Programs (ISP) Branch is entering phase III of a major project to streamline and fully modernize its operations in order to plan, define, develop and implement a new integrated client delivery service process. The first two phases of the ISP Redesign Project were approved by Treasury Board and approval for the Implementation Phase of the ISP Redesign Major Crown Project is currently being sought. The Project was undertaken as a joint responsibility of the departments of National Health and Welfare and Supply and Services.

While specific regulatory changes have not yet been identified, preliminary analysis indicate that amendments will be required to implement proposed changes to the Branch's operations. Early identification of these changes may in some cases be critical to the implementation of proposals emanating from the project; amendments therefore could be required on an urgent basis.

**Contact:** Terry de March, Chief, Income Security Policy and Legislation, Income Security Programs

Branch, Department of Human Resources Development, 8th Floor, Tower B, Place Vanier, 333 River Road, Vanier, Ontario, K1A 0L1.  
Tel. (613) 957-1626; Fax (613) 991-9119.



# Indian Affairs and Northern Development, Department of

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## General Information

### Roles and Responsibilities

The Department of Indian Affairs and Northern Development (IAND) was established in 1966 by the Department of Indian Affairs and Northern Development Act which gives the Minister responsibility for Indian, Inuit and northern affairs, including provincial-type responsibilities for the people and natural resources associated with Indian reserves, the Yukon Territory and the Northwest Territories as well as responsibility for some programs and services for status Indians off-reserve. IAND places policy emphasis on supporting the devolution of responsibilities to native and territorial governments, settling Aboriginal land claims, promoting the development of Indian self-government and encouraging viable economic development to support self-government. IAND's regulatory responsibilities are administered by the Indian and Inuit Affairs Program and the Northern Affairs Program.

### Legislative Mandate

The Indian and Inuit Affairs Program is responsible for: fulfilling federal legal obligations arising from treaties and statutes concerning aboriginal people; providing for the community-based delivery of basic services (elementary/secondary education, social

assistance, housing, community infrastructure) to status Indians on reserves and Inuit; assisting Indians on reserves and Inuit to have access to economic development programs and services; providing financial support to status Indians participating in post-secondary education programs; negotiating the settlement of accepted claims relating to aboriginal rights (not dealt with by treaty or other means) or past unfulfilled federal legal obligations; and, advancing aboriginal self-government through legislative, policy and administrative changes. The statutes administered by the Indian and Inuit Affairs Program, in whole or in part, include:

- Alberta Natural Resources Act
- British Columbia Indian Cut-off Lands Settlement Act
- British Columbia Indian Reserves Mineral Resources Act
- Caughnawaga Indian Reserve Act
- Cree-Naskapi (of Quebec) Act
- Department of Indian Affairs and Northern Development Act
- Federal Real Property Act (formerly titled the Public Lands Grants Act)
- Fort Nelson Indian Reserve Minerals Revenue Sharing Act
- Grassy Narrows and Islington Indian Bands Mercury Pollution Claims Settlement Act
- Indian Act
- Indian Lands (Settlement of Differences) Act
- Indian Lands Agreement (1986) Act
- Indian Oil and Gas Act
- Indian (Soldier Settlement) Act
- James Bay and Northern Quebec Native Claims Settlement Act
- Manitoba Natural Resources Act
- Manitoba Supplementary Provisions Act
- Natural Resources Transfer (School Lands) Amendment Act, 1961
- New Brunswick Indian Reserves Agreement Act
- Nova Scotia Indian Reserves Agreement Act
- Railway Belt Act
- Railway Belt and Peace River Block Act
- Railway Belt Water Act
- St. Peter's Indian Reserve Act
- St. Regis Islands Act
- Saskatchewan Natural Resources Act
- Saskatchewan Treaty Land Entitlement Act
- Sechelt Indian Band Self-Government Act
- Songhees Indian Reserve Act

The Northern Affairs Program is responsible for: coordinating federal activity and programming in the North; providing transfer payments to the governments of the Yukon Territory and the Northwest Territories (to assist them in providing public services to territorial residents); fostering

northern science and technology and providing a focus for circumpolar affairs; supporting the balanced development of the North through the management of natural resources (oil and gas, minerals, water, and lands), protection and management of the northern natural environment (including Arctic seas), fostering economic and employment opportunities for northerners, and funding social and cultural programs; and, pursuing northern political development through devolution, program transfers, implementation of comprehensive land claims agreements, balanced economic development, the protection of aboriginal rights, and the process of division of the Northwest Territories. The statutes administered by the Northern Affairs Program, in whole or in part, include:

- Arctic Waters Pollution Prevention Act
- Canada Lands Surveys Act, Part III
- Canada Oil and Gas Operations Act (formerly titled the Oil and Gas Production and Conservation Act)
- Canada Petroleum Resources Act
- Canadian Polar Commission Act
- Condominium Ordinance Validation Act
- Department of Indian Affairs and Northern Development Act
- Dominion Water Power Act
- Federal Real Property Act (formerly titled the Public Lands Grants Act)
- Gwich'in Land Claim Settlement Act
- Northern Canada Power Commission (Share Issuance and Sale Authorization) Act
- Northern Canada Power Commission (Yukon Assets Disposal Authorization) Act
- Northwest Territories Act
- Northwest Territories Waters Act
- Nunavut Act
- Nunavut Land Claims Agreement Act
- Territorial Lands Act
- Western Arctic (Inuvialuit) Claims Settlement Act
- Yukon Act
- Yukon Placer Mining Act
- Yukon Quartz Mining Act
- Yukon Waters Act

## Initiatives for 1994

### Indian and Inuit Affairs Program

#### IAND-1

#### **Cree-Naskapi Band Expropriations**

These regulations will establish the substantive and procedural requirements for expropriations by the Cree bands and the Naskapi band of northern Quebec for community purposes or community



works, of rights and interests in Category 1A or 1A-N lands (lands under federal jurisdiction) or in buildings situated thereon.

The regulations will apply only on the Category 1A and 1A-N lands of the eight Cree bands and the Naskapi band of northern Quebec (population 10,000). Because of their limited application, these regulations will have little or no impact on the Canadian economy. Furthermore, there will be no financial costs to the federal government associated with these regulations.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Federal Regulatory Plan as initiative number IAND-1.

**Contact:** J.-F. Neault, Director, James Bay and Northern Quebec Agreement (JBNQA) and Northeastern Quebec Agreement (NEQA) and Special Files Directorate, Quebec Regional Office, Department of Indian Affairs and Northern Development, Quebec, Quebec, G1K 8Z7. Tel. (418) 648-7687; Fax (418) 648-5086.

## IAND-2

### **Cree-Naskapi Special Band Meetings**

These regulations will govern special band meetings of the Cree bands and the Naskapi band. They will include provisions respecting the calling and conduct of meetings, including voting at meetings and the preparation and keeping of records of votes taken. However, the regulations will apply only if, at the time of the calling of a special band meeting, there is no special band meeting by-law in force. The regulations will apply only to the eight Cree bands and the Naskapi band of northern Quebec (population 10,000). Their application will be very limited. These regulations will have no impact on the Canadian economy. Furthermore, there will be no financial costs to the federal government associated with the regulations.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Federal Regulatory Plan as initiative number IAND-2.

**Contact:** J.-F. Neault, Director, JBNQA and NEQA and Special Files Directorate, Quebec Regional Office, Department of Indian Affairs and Northern Development, Quebec, Quebec, G1K 8Z7. Tel. (418) 648-7687; Fax (418) 648-5086.

## IAND-3

### **Cree-Naskapi Band Referenda**

These regulations will govern band referenda of the Cree bands and the Naskapi band. They will include provisions respecting the calling and conduct of referenda including voting in referenda and the preparation and keeping of records of votes taken.

However, the regulations will apply only if, at the time of the calling of a band referendum, there is no band referenda by-law in force.

These regulations will apply to the eight Cree bands and the Naskapi band of northern Quebec (population 10,000). Their application will be very limited. These regulations will have no impact on the Canadian economy. Furthermore, there will be no financial costs to the federal government associated with the regulations.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Federal Regulatory Plan as initiative number IAND-3.

**Contact:** J.-F. Neault, Director, JBNQA and NEQA and Special Files Directorate, Quebec Regional Office, Department of Indian Affairs and Northern Development, Quebec, Quebec, G1K 8Z7. Tel. (418) 648-7687; Fax (418) 648-5086.

## IAND-4

### **Cree-Naskapi Land Registry**

These regulations, which were passed in 1986 under the Cree-Naskapi (of Quebec) Act, are being revised in consultation with the Grand Council of Crees (of Quebec). The amendments to the regulations are in response to recommendations made by the Grand Council of Crees and address issues raised by the Standing Joint Committee for the Scrutiny of Regulations. The amendments include provisions respecting notice requirements, where boundaries overlap a right or interest previously provisionally registered, and procedural appeal provisions, where the location of land or building boundaries have been inaccurately depicted on a land registry plan.

The amendments will apply only to the Cree and Naskapi bands of northern Quebec. Their application will be very limited. These amendments will have no impact on the Canadian economy. Furthermore, there will be no financial costs to the federal government associated with the amendments.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** H.R. Ryan, Registrar of Indian Lands, Lands Directorate, Lands, Revenues and Trusts, Department of Indian Affairs and Northern Development, Hull, Quebec, K1A 0H4. Tel. (819) 994-2990; Fax (819) 997-8364.

## IAND-5

### **Indian Estates**

Section 13 of these regulations prohibits the payment of interest on money held in accounts on behalf of absent or missing heirs. A review

concluded that it is improper to withhold interest on these accounts, since the government is benefitting from the use of this money until it is paid out. In addition, in other (provincial) jurisdictions across Canada interest is paid on similar types of accounts. An amendment to the regulations will allow for the payment of interest. The payment of interest would commence on the date that the amendment to Section 13 is effective.

As a result of this amendment, the maximum current liability of the federal government would be approximately \$98,000.00 (at current interest rates) in interest on accounts held on behalf of missing or absent heirs. This cost will be offset by the use that the government will have of the money until it is paid out at some future time.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number IAND-6.

**Contact:** J. Barg, Estates Advisory Officer, Band Governance and Estates Directorate, Department of Indian Affairs and Northern Development, Ottawa, Ontario, K1A 0H4.

Tel. (819) 994-7474; Fax (819) 997-0034.

#### IAND-6

##### **Indian Mining**

These regulations set out a procedure for the administration of metallic and non-metallic minerals with respect to surrendered mines and minerals on reserve. These regulations, which were passed in 1954 under the Indian Act, will be amended to deal with technical concerns related to the titles of positions which are no longer appropriate, such as "Supervisor of Indian Minerals" and "Division Chief". These amendments will be discussed with Indian leadership.

The amendments will respond to technical concerns and do not call for new expenditures of federal money, nor do they entail major changes in government policy.

**Classification:** Low cost.

**Status:** This is a new initiative.

**Contact:** H.D.J. Ryan, Natural Resources Directorate, Lands, Revenues and Trusts, Department of Indian Affairs and Northern Development, Ottawa, Ontario, K1A 0H4.

Tel. (819) 997-8230; Fax (819) 953-3323.

#### IAND-7

##### **Indian Timber**

These regulations, which were passed in 1954 under the Indian Act, establish the regime for the management of on-reserve forest resources. Amendments to the regulations will clarify the

amounts of security deposits required under the regulations and resolve inconsistencies between the French and English versions. These amendments will be discussed with Indian leadership.

These amendments will respond to technical concerns and do not call for new expenditures of federal money, nor do they entail any significant changes in government policy.

**Classification:** Low cost.

**Status:** This is a new initiative.

**Contact:** H.D.J. Ryan, Natural Resources Directorate, Lands, Revenues and Trusts, Department of Indian Affairs and Northern Development, Ottawa, Ontario, K1A 0H4. Tel. (819) 997-8230; Fax (819) 953-3323.

#### IAND-8

##### **Indian Off-Reserve and Eskimo Housing**

These regulations were established in conjunction with the Off-Reserve Housing Program to provide financial assistance, in the form of forgivable loans, to those eligible Indians and Inuit wishing to acquire or construct a principal residence off reserve. The Off-Reserve Housing Program was terminated on April 1, 1985, as it duplicated programs available from the Canada Mortgage and Housing Corporation.

Even though there are still active accounts, the regulations are not required to administer the loans and maintain the rights and the obligations of the parties to the loan agreements. These regulations will, therefore, be revoked.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** I. Howes, Director, Capital and Housing, Program Policy, Intergovernmental Affairs, Department of Indian Affairs and Northern Development, Ottawa, Ontario, K1A 0H4. Tel. (819) 994-1201; Fax (819) 994-7223.

#### IAND-9

##### **Montreal Trust Company**

These regulations provide authority to grant oil and gas leases to the Montreal Trust Company notwithstanding the limitations of the Indian Oil and Gas Regulations.

Since the authority was only granted until May 14, 1976, the regulations no longer serve any purpose. These regulations will, therefore, be revoked.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** W.J. Douglas, Chief Executive Officer, Indian Oil and Gas Canada, 654, 220 – 4th Ave.,



S.E., Box 2924, Calgary, Alberta, T2G 4X3.  
Tel. (403) 292-5625; Fax (403) 292-5618.

## **Northern Affairs Program**

### **IAND-10**

#### **Arctic Waters Pollution Prevention**

These regulations prescribe the limit of liability for oil and gas operations that have the potential to make unauthorized deposits of waste into Arctic waters. These limits have not changed for over ten years. The Inuvialuit Final Agreement, which was brought into force by the Western Arctic (Inuvialuit) Claims Settlement Act and the Canada Oil and Gas Operations Act also deal with limits of liability for such operations.

Amendments will update the limit of liability in response to current estimates of clean-up costs and compensation, and coordinate the application of the oil and gas liability provisions of the regulations with the application of the Inuvialuit Final Agreement and the Canada Oil and Gas Operations Act. This will fulfil a commitment under the Inuvialuit Final Agreement and ensure sufficient coverage to meet clean-up costs and compensation. Additional costs for increased insurance coverage will be borne by developers. The exact nature of the amendments has yet to be determined. (See related initiative number IAND-36).

**Classification:** Major

**Status:** This is a new initiative.

**Contact:** C. Cuddy, Chief, Water Resources, Natural Resources and Environment, Northern Affairs, Department of Indian Affairs and Northern Development, Ottawa, Ontario, K1A 0H4.  
Tel. (819) 994-7483; Fax (819) 953-5828.

### **IAND-11**

#### **Canada Mining**

These regulations govern the administration and disposition of mineral rights in the Northwest Territories which include the staking and maintenance of mineral claims, leasing of mineral rights and payment of royalties on mineral production.

An amendment to the fee for identification tags (schedule I, item 16) will reflect a 60 per cent increase in the price paid to the manufacturer. The federal government assay office no longer exists; therefore section 78 will be revoked. Pursuant to subsection 24(2) every locator of a claim or a person acting on his/her behalf, must make application to record a claim in a prescribed form. Each claim requires a separate form. This is labour intensive

and time consuming. It is proposed to amend the form to allow for application of multiple claims. The changes will benefit both government and industry by reducing operating costs, providing faster processing, and reducing the paper burden.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number IAND-15.

**Contact:** J.M. Hodgkinson, Chief, Mining Legislation and Resource Management, Mining and Infrastructure, Northern Affairs, Department of Indian Affairs and Northern Development, Ottawa, Ontario, K1A 0H4.

Tel. (819) 994-6434; Fax (819) 953-9066.

### **IAND-12**

#### **Mining Land Use**

The Yukon Placer Mining Act and the Yukon Quartz Mining Act contain the rights and obligations for hardrock and placer mining in the territory. Neither act makes provision for environmental protection. Amendments to the two mining acts will provide for regulations for activities related to mineral exploration, development, production and mine closure to meet the requirements of environmental assessment legislation.

In response to the mining industry's concerns respecting adequate consultation, the Yukon Mining Advisory Committee (YMAC) was established, consisting of environmental, native, placer mining and hardrock mining interests in the Yukon Territory and representatives of federal and territorial governments.

In order to bring the regulations into effect as soon as possible, it is proposed to commence drafting while the legislation is being considered by Parliament.

The proposed legislation and regulations will result in increased environmental protection consistent with the environmental assessment legislation. A considerable expansion of the department's administrative, analytical, inspection and enforcement capabilities will be required. Fees will be designed in a manner consistent with administrative charges already applicable to other land uses in the territories.

**Classification:** Major

**Status:** This is a new initiative.

**Contact:** J.M. Hodgkinson, Chief, Mining Legislation and Resource Management, Mining and Infrastructure, Northern Affairs, Department of Indian Affairs and Northern Development, Ottawa, Ontario, K1A 0H4.

Tel. (819) 994-6434; Fax (819) 953-9066.

**IAND-13****Placer Mining Authority**

General Enterprises operates a sand and gravel quarry within the townsite boundaries of Whitehorse, Yukon. The operator has discovered that small amounts of placer gold may be processed from the sand and gravel at a profit. Paragraph 17(2)(g) of the Yukon Placer Mining Act permits the mining of placer deposits within the boundaries of a city, town or village under regulations approved by the Governor in Council. The regulations, which will provide that authority, are supported by the Government of Yukon and the Municipality of Whitehorse.

General Enterprises Limited expect to provide increased employment once they are able to recover the gold from the material on their lease. The land is not available for acquisition by other people. The proposed development will be adjacent to the existing quarry operations.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number IAND-10.

**Contact:** J.M. Hodgkinson; Chief, Mining Legislation and Resource Management, Mining and Infrastructure, Northern Affairs, Department of Indian Affairs and Northern Development, Ottawa, Ontario, K1A 0H4.

Tel. (819) 994-6434; Fax (819) 953-9066.

**IAND-14****Discovery Mines Limited Lease**

The regulations, promulgated in 1973 by Order in Council P.C. 1973-1058, allowed Discovery Mines Limited to apply for a lease on certain mineral claims without the performance of representation work.

The mineral claims involved in these regulations were cancelled on October 2, 1992. There is no further need to retain these regulations. Therefore, the regulations will be revoked.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** J.M. Hodgkinson, Chief, Mining Legislation and Resource Management, Mining and Infrastructure, Northern Affairs, Department of Indian Affairs and Northern Development, Ottawa, Ontario, K1A 0H4.

Tel. (819) 994-6434; Fax (819) 953-9066.

**IAND-15****James H. Simpson Mineral Claims**

The regulations, promulgated in 1979 by Order in Council P.C. 1979-224, extended the time period in which the applicant could record certain claims.

The mineral claims involved in these regulations have lapsed. There is no further need to retain these regulations. Therefore, the regulations will be revoked.

**Classification:** Low cost

**Status:** This is a new initiative

**Contact:** J.M. Hodgkinson, Chief, Mining Legislation and Resource Management, Mining and Infrastructure, Northern Affairs, Department of Indian Affairs and Northern Development, Ottawa, Ontario, K1A 0H4.

Tel. (819) 994-6434; Fax (819) 953-9066.

**IAND-16****Yukon Work Relief Orders**

In accordance with the Yukon Quartz Mining Act, a claim holder must perform \$100 worth of exploratory work each year. The Work Relief Regulations waive the work requirement if the claim holder so wishes, but do not restrict current claim holders; they do not prevent the claim holders from exercising their right to work the claim. The orders encourage the reduction or elimination of work done which facilitates protection of the area until the appropriate management regimes are put in place.

In 1978, in order to set aside land for a national park and other conservation purposes, Order in Council P.C. 1978-2195 withdrew certain lands in the northern Yukon Territory from dispositions such as mining. At the time there were 332 mineral claims in good standing in the area. These regulations were instituted to reduce the amount of exploratory work being done on the mineral claims. In addition, through the native claims settlement process for the Yukon Territory, the Kluane Tribal Council has outlined an area which it considers to be sensitive to major disturbances and which contains a large number of mineral claims in good standing. Extensions to the Work Relief Orders will be instituted as required.

The orders eliminate the necessity for claim holders to make expenditures on mineral claims in an area which has been withdrawn for a park or other conservation purposes. The orders extend the present regime and therefore have no significant impact other than protecting the rights of the holders of mineral claims. Also, the orders have no effect on the native land claims agreements since any agreement is subject to existing rights.

**Classification:** Low cost

**Status:** This is a recurring initiative.

**Contact:** J.M. Hodgkinson, Chief, Mining Legislation and Resource Management, Mining and Infrastructure, Northern Affairs, Department of Indian Affairs and Northern Development, Ottawa, Ontario,



K1A 0H4.

Tel. (819) 994-6434; Fax (819) 953-9066.

#### LAND-17

##### **Yukon Mining – Staking Prohibitions**

In 1994, approximately 16 Orders in Council under the Yukon Placer Mining Act and the Yukon Quartz Mining Act will be required to prohibit the staking of claims and prospecting for precious minerals on certain lands in the Yukon Territory that are required for various public purposes. Prohibition orders have been used consistently over the years to protect lands required to meet certain public policy objectives, including the settlement of native land claims. Only the prospecting and staking of new claims will be prohibited. The holders of claims in good standing retain all existing rights without interference. Lapsed claims, however, cannot be restaked.

**Classification:** Intermediate cost

**Status:** This is a recurring initiative.

**Contact:** J.I. Sneddon, Chief, Land Management, Environment and Renewable Resources, Natural Resources and Environment, Northern Affairs, Department of Indian Affairs and Northern Development, Ottawa, Ontario, K1A 0H4.  
Tel. (819) 997-9090; Fax (819) 953-2590.

#### LAND-18

##### **Federal Government Employee Land Acquisitions**

In 1994, approximately ten Orders in Council under the Territorial Lands Act will be required to authorize employees of the Government of Canada to acquire interests in Crown lands in the Northwest Territories or Yukon Territory. These orders will also ensure conformity with the federal government's conflict-of-interest guidelines. Employees or their spouses routinely acquire territorial lands for residences, cottages or commercial interests. These orders will have no impact on the general public, although employees and their families may suffer financial or personal hardship if an order is not approved in a timely manner.

**Classification:** Intermediate cost

**Status:** This is a recurring initiative.

**Contact:** J.I. Sneddon, Chief, Land Management, Environment and Renewable Resources, Natural Resources and Environment, Northern Affairs, Department of Indian Affairs and Northern Development, Ottawa, Ontario, K1A 0H4.  
Tel. (819) 997-9090; Fax (819) 953-2590.

#### LAND-19

##### **Territorial Lands**

These regulations govern the disposition of crown land in the Yukon Territory and Northwest Territories. They have become dated in some areas and procedures need to be streamlined. The new regulations will be made pursuant to both the Territorial Lands Act and the Federal Real Property Act to provide for the administration of land within the territories and the adjacent offshore areas.

The requirement for a security deposit in some cases will ensure greater control over site rehabilitation and environmental management. The fee structure will be modified to reflect current land prices in the rest of Canada and current governmental cost-recovery policies. Consultations with northern interest groups and affected parties have been ongoing.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number LAND-8.

**Contact:** J.I. Sneddon, Chief, Land Management, Environment and Renewable Resources, Natural Resources and Environment, Northern Affairs, Department of Indian Affairs and Northern Development, Ottawa, Ontario, K1A 0H4.  
Tel. (819) 997-9090; Fax (819) 953-2590.

#### LAND-20

##### **Territorial Lands and Public Lands Pits and Quarries**

The present Territorial Quarrying Regulations, which were promulgated in 1957, have become inadequate for effective conservation of granular material deposits, the management of extracting operations and the protection of the environment. Revisions to the present Territorial Quarrying Regulations will be pursuant to the Territorial Lands Act and the Federal Real Property Act which would permit offshore application. This would provide a more effective regime for offshore granular material management, particularly in light of major development activities such as artificial island construction. The 1957 fee schedule will be modernized to reflect the need for conservation of higher quality materials and higher administration costs. The new fees will be more consistent with what is charged in the rest of Canada.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** J.I. Sneddon, Chief, Lands Management, Environment and Renewable Resources, Natural Resources and Environment, Northern Affairs Program, Department of Indian Affairs and Northern

Development, Ottawa, Ontario, K1A 0H4.  
Tel. (819) 997-9090; Fax (819) 953-2590.

## IAND-21

### **Inuvik Land**

Established by Order in Council P.C. 1961-1020, these regulations authorized the Minister to give, sell or lease, as the case may be, lots in the new town of Inuvik to those property owners in Aklavik who would quit claim their property to the Crown and move to, and settle in, Inuvik. Inuvik had been developed to replace Aklavik because of the latter's deteriorating physical condition and a desire to build a modern administrative centre in the region. The terms of these regulations were to serve as an incentive to people in Aklavik to move to the new town.

Although there is no expiry date cited in the Order in Council, it is unlikely there are persons still wishing to avail themselves of this offer some 32 years later. Also, the program is restricted to lands in Inuvik under the administration of the Minister but, since 1961, the administration of all vacant territorial lands within Inuvik has been transferred to the Commissioner of the NWT. There is no further need to retain these regulations. Therefore, the regulations will be revoked.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** J.I. Sneddon, Chief, Land Management, Environment and Renewable Resources, Natural Resources and Environment, Northern Affairs, Department of Indian Affairs and Northern Development, Ottawa, Ontario, K1A 0H4.  
Tel. (819) 997-9090; Fax (819) 953-2590.

## IAND-22

### **Mackenzie Valley Resource Management**

The Mackenzie Valley Resource Management Act is currently being drafted and must be enacted prior to December 1994. It will establish Resource Management Boards within the Mackenzie Valley which are required in order to implement the Gwich'in Land Claim Agreement. Regulations dealing with land use planning, environmental impact assessment and review and the management of land and water use will be required in order to complete the resource management regimes established by the legislation.

It is anticipated that the costs associated with resource exploration and development in the Mackenzie Valley will be increased as a result of these regulations.

**Classification:** Major

**Status:** This is a new initiative.

**Contact:** D. Jennings, Chief, Resource Strategies Division, Natural Resources and Environment Branch, Indian Affairs and Northern Development, Ottawa, Ontario, K1A 0H4.  
Tel. (819) 997-0222; Fax (819) 953-8766.

## IAND-23

### **Mackenzie Valley Surface Rights Board**

The Mackenzie Valley Surface Rights Board Act is currently being drafted and must be enacted prior to December 1994. It will establish a Surface Rights Board within the Mackenzie Valley, which is required in order to implement the Gwich'in Land Claim Agreement. The regulations will set fees for entry onto settlement land and facilitate operation of the Surface Rights Board.

It is anticipated that the costs associated with resource exploration and development in the Mackenzie Valley will be increased marginally as a result of these regulations.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** R. Bailey, Land Specialist, Resource Strategies Division, Natural Resources and Environment, Northern Affairs, Department of Indian Affairs and Northern Development, Ottawa, Ontario, K1A 0H4.  
Tel. (819) 994-7472; Fax (819) 994-6419.

## IAND-24

### **Nunavut Surface Rights Board**

The Nunavut Surface Rights Board Act is currently being drafted and must be enacted by January 9, 1994. It will establish a Surface Rights Board within Nunavut which is required in order to implement the Nunavut Land Claim Agreement. The regulations will set fees for entry onto settlement land and facilitate operation of the Surface Rights Board.

It is anticipated that the costs associated with resource exploration and development in Nunavut will be increased marginally as a result of these regulations.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** R. Bailey, Land Specialist, Resource Strategies Division, Natural Resources and Environment, Northern Affairs, Department of Indian Affairs and Northern Development, Ottawa, Ontario, K1A 0H4.  
Tel. (819) 994-7472; Fax (819) 994-6419.



**IAND-25****Yukon Surface Rights Board**

The Yukon Surface Rights Board Act is currently being drafted. It will establish a Surface Rights Board within the Yukon Territory which is required in order to implement the Yukon First Nation Final Agreements. The regulations will set fees for entry onto settlement land and facilitate operation of the Surface Rights Board.

It is anticipated that the costs associated with resource exploration and development in the Yukon Territory will be increased marginally as a result of these regulations.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** R. Bailey, Land Specialist, Resource Strategies Division, Natural Resources and Environment, Northern Affairs, Department of Indian Affairs and Northern Development, Ottawa, Ontario, K1A 0H4.

Tel. (819) 994-7472; Fax (819) 994-6419.

**IAND-26****Northwest Territories Reindeer**

These regulations provide for the management and protection of reindeer in the Northwest Territories. A review of the regulatory framework has indicated that due to duplication with other legislation and redundancies in the context of current reindeer management issues, the regulations should be revoked.

Consultations with potentially affected parties will be completed before the regulations are revoked. This initiative should have a positive impact on the owners of reindeer in the Northwest Territories.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number IAND-9.

**Contact:** F. McFarland, Chief, Biological Resources, Natural Resources and Environment, Northern Affairs, Department of Indian Affairs and Northern Development, Ottawa, Ontario, K1A 0H4.

Tel. (819) 997-9621; Fax (819) 953-2590.

**IAND-27****Archaeological Sites – Yukon and Northwest Territories**

These regulations govern the examination, disposition and removal of archaeological and historical resources found in the Yukon Territory and the Northwest Territories. Overall responsibility for archaeology has already been transferred to the commissioners of the Yukon Territory and Northwest Territories. However, amendments to the regulations, pursuant to the Yukon Act and the

Northwest Territories Act, will allow the Minister to delegate authority for these regulations to the commissioners of the Yukon Territory and the Northwest Territories respectively. There will be no other changes to the regulations aside from the change in responsibility for their implementation.

These amendments would ensure current arrangements are consistent with regulatory authority. There are no financial costs associated with the amendments.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number IAND-14.

**Contact:** S.M. Meldrum, Senior Analyst, Federal-Territorial Relations, Political Development and Aboriginal Affairs, Constitutional Development and Strategic Planning, Northern Affairs, Department of Indian Affairs and Northern Development, Ottawa, Ontario, K1A 0H4. Tel. (819) 997-9336; Fax (819) 997-0552.

**IAND-28****Canada Certificate of Fitness**

The Canada Oil and Gas Operations Act, formerly titled the Oil and Gas Production and Conservation Act, authorizes the making of regulations that prescribe minimum acceptable standards for the construction, alteration or use of any equipment, works, plants and appliances. In order to ensure that these standards are met by the petroleum industry in relation to installations and structures offshore and in the north, an independent third party known as a Certifying Authority will confirm to the regulator that the installation has been designed, constructed and installed in accordance with the applicable regulations and is fit for the purpose for which it is intended. This confirmation will be in the form of a Canada Certificate of Fitness issued by the Certifying Authority. These regulations will define which companies can issue the certificates and prescribe the criteria for issuance.

Certificates of Fitness have long been recognized and required internationally and are thus not new to the petroleum industry. However, the requirement for Certificates of Fitness in Canada will impose an additional financial burden on the industry as it will be the proponent's responsibility to obtain and pay for the certificate.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number IAND-17. This initiative is the same as NRCan-9.

**Contact:** J. Tanguay, Director, Northern Oil and Gas, Northern Affairs, Department of Indian Affairs and

Northern Development, Ottawa, Ontario, K1A 0H4.  
Tel. (819) 997-0878; Fax (819) 953-5828.

#### IAND-29

##### **Canada Oil and Gas Diving**

These regulations, promulgated in 1988, set out the regulatory requirements that operators must follow if they wish to undertake diving operations in areas subjected to the Canada Oil and Gas Operations Act. When the Canada Certificate of Fitness Regulations come into effect, the Canada Oil and Gas Diving Regulations will need amending in order to reference the certificate of fitness requirements as part of the approval process. In addition, the regulations will be amended to relieve the federal Minister of technical and administrative decisions concerning diving activities. These decisions could be made by the Chief Safety Officer or Chief Conservation Officer. No significant impact is expected as a result of this initiative.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number IAND-22. This initiative is the same as NRCan-16.

**Contact:** J. Tanguay, Director, Northern Oil and Gas, Northern Affairs, Department of Indian Affairs and Northern Development, Ottawa, Ontario, K1A 0H4. Tel. (819) 997-0878; Fax (819) 953-5828.

#### IAND-30

##### **Canada Oil and Gas Drilling**

These regulations, first promulgated in 1979, set out the regulatory requirements that operators must follow if they wish to undertake drilling operations on lands under federal jurisdiction. The amendments will reflect the certificate of fitness requirements introduced in the Canada Certificate of Fitness Regulations. The amendments will also update the regulations in accordance with provisions in the Canada Oil and Gas Operations Act for authorization of drilling activity.

The amendments do not change, in substance, the current regime for authorizing drilling activities and no significant impact on the petroleum industry is expected.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number IAND-21. This initiative is the same as NRCan-13.

**Contact:** J. Tanguay, Director, Northern Oil and Gas, Northern Affairs, Department of Indian Affairs and Northern Development, Ottawa, Ontario, K1A 0H4. Tel. (819) 997-0878; Fax (819) 953-5828.

#### IAND-31

##### **Canada Oil and Gas Geophysical**

The Canada Oil and Gas Operations Act (COGOA), formerly titled the Oil and Gas Production and Conservation Act, provides for the making of regulations respecting safety, conservation practices and the prevention of pollution in operations in the area of exploration and production of oil and gas. These regulations will provide specifically for the authorization and regulation of geophysical operations and ensure the safety and protection of the environment for geophysical operations in areas covered by the COGOA.

The oil and gas industry has been operating with the draft Canada Oil and Gas Geophysical Regulations for a number of years. In addition, the Canadian Petroleum Association, the Independent Petroleum Association of Canada and technical associations within the industry have been consulted for their views on the formulation of these regulations. Promulgation of the regulations is not anticipated to have any incremental impact on the petroleum industry.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number IAND-18, and is the same as NRCan-6.

**Contact:** J. Tanguay, Director, Northern Oil and Gas, Northern Affairs, Department of Indian Affairs and Northern Development, Ottawa, Ontario, K1A 0H4. Tel. (819) 997-0878; Fax (819) 953-5828.

#### IAND-32

##### **Canada Oil and Gas Installations**

The Canada Oil and Gas Operations Act, formerly titled the Oil and Gas Production and Conservation Act, provides for the making of regulations prescribing minimum acceptable standards for the construction, alteration or use of works, machinery and plants used in the exploration for and development and production of oil and gas. In addition, it allows for regulation of the safety aspects of oil and gas activity. The regulations will ensure that the various components that are part of the design, construction, installation and operation of an installation will function according to specification thereby ensuring safety of personnel, protection of the environment and resource conservation.

The petroleum industry already adheres to the design and operating principles set out in the proposed regulations. With the exception of certain provisions imposing more rigorous standards due to the exceptional environmental conditions found in Canada's north and offshore, the performance standards contained in the regulations are similar to



those adopted by most offshore oil-producing countries.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number IAND-16 and is the same as NRCan-1.

**Contact:** J. Tanguay, Director, Northern Oil and Gas, Northern Affairs, Department of Indian Affairs and Northern Development, Ottawa, Ontario, K1A 0H4. Tel. (819) 997-0878; Fax (819) 953-5828.

#### IAND-33

##### **Canada Oil and Gas Land**

These regulations were promulgated in 1961. They prescribe a regime for the administration of oil and gas rights on frontier lands which was used extensively until the early 1980s. This regime has now been largely replaced by provisions of the Canada Petroleum Resources Act. Accordingly, redundant provisions of these regulations will be revoked in order to streamline the regulations and make them easier to use by the oil and gas industry. As these regulations have been in place for many years, the oil and gas industry is familiar with them. The amendments will simplify their usage and therefore, will have a positive impact on the regulated industry.

**Classification:** Intermediate cost

**Status:** This is a new initiative, which is the same as NRCan-41.

**Contact:** J. Tanguay, Director, Northern Oil and Gas, Northern Affairs, Department of Indian Affairs and Northern Development, Ottawa, Ontario, K1A 0H4. Tel. (819) 997-0878; Fax (819) 953-5828.

#### IAND-34

##### **Canada Oil and Gas Operations**

These regulations were first promulgated in February 1983. The regulations spell out requirements for obtaining an operating licence, authorization for exploratory or development work, and for reporting an oil spill. The Canada Oil and Gas Operations Act, under which these regulations fall, require that an operator obtain an operating licence and an authorization prior to commencing any work or activity.

The amendments will increase the fee associated with obtaining a licence, presently set at \$25. This increase will depend on the type of operation carried out. This fee would cover the costs required to issue such licences and authorizations. Since the amendments propose an increase in the fee associated with obtaining an operating licence, there will be a minimal financial cost to the petroleum

industry and other organizations wishing to conduct oil and gas activities and field research programs.

**Classification:** Intermediate cost.

**Status:** This initiative appeared in the 1991 Regulatory Plan as initiative number 100-COGLA, and is the same as NRCan-30.

**Contact:** J. Tanguay, Director, Northern Oil and Gas, Northern Affairs, Department of Indian Affairs and Northern Development, Ottawa, Ontario, K1A 0H4. Tel. (819) 997-0878; Fax (819) 953-5828.

#### IAND-35

##### **Canada Oil and Gas Production and Conservation**

These regulations establish the minimum safety requirements for all persons engaged in the development and production of oil and gas on lands under federal jurisdiction. When the Canada Certificate of Fitness Regulations come into effect, the Canada Oil and Gas Production and Conservation Regulations will need to be amended in order to reference the certificate of fitness requirements.

No significant impact on the petroleum industry is expected as a result of this initiative.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number IAND-20, and is the same as NRCan-12.

**Contact:** J. Tanguay, Director, Northern Oil and Gas, Northern Affairs, Department of Indian Affairs and Northern Development, Ottawa, Ontario, K1A 0H4. Tel. (819) 997-0878; Fax (819) 953-5828.

#### IAND-36

##### **Canada Oil and Gas Spill and Debris Liability**

The Canada Oil and Gas Operations Act (COGOA) imposes absolute liability, up to "an applicable limit", on an operator for any actual damages incurred as a result of a spill or debris in the area where oil and gas operations are being conducted. Any losses or damage in excess of the applicable limit must be based in negligence or other common law liability.

The amendments will review the applicability of absolute liability and the associated limits of liability which may be prescribed under COGOA. The impact of the amendments will be subject to the outcome of the consultations with stakeholders. (See related initiative number IAND-10).

**Classification:** Intermediate cost

**Status:** This is a new initiative, which is the same as NRCan-37.

**Contact:** J. Tanguay, Director, Northern Oil and Gas, Northern Affairs, Department of Indian Affairs and

Northern Development, Ottawa, Ontario, K1A 0H4.  
Tel. (819) 997-0878; Fax (819) 953-5828.

#### IAND-37

##### **Frontier Lands Petroleum Land Division and Survey**

The relevant portions of the existing Canada Oil and Gas Land Regulations, dealing with land division and survey, were prepared on the basis of the 1927 North American Datum pursuant to the Territorial Lands Act and the Public Lands Grants Act. With the creation of a new satellite survey system, North American Datum 1983, more accurate methods of surveying have been developed. New regulations are being produced to reflect this technological advance.

The regulations were discussed with the Canadian Association of Petroleum Producers. Industry is in favour of the greater degree of accuracy provided by new surveying methods.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number IAND-19, and is the same as NRCan-22.

**Contact:** J. Tanguay, Director, Northern Oil and Gas, Northern Affairs, Department of Indian Affairs and Northern Development, Ottawa, Ontario, K1A 0H4.  
Tel. (819) 997-0878; Fax (819) 953-5828.

#### IAND-38

##### **Frontier Lands Registration**

The Canada Petroleum Resources Act allows for the making of regulations respecting the registration and filing of documents with regard to petroleum interests, including the registration of encumbrances. These regulations establish a system to permit the registration of interests (exploration, significant discovery and production licences) and instruments relating to the transfer of interest ownership and security arrangements. The amendment will ensure that the English and French versions are equivalent.

The petroleum industry is already complying with the regulations. The amendment will have no negative impact; rather it will serve to facilitate industry's ability to comply with the regulations.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as EMR-34, and is the same as initiative number NRCan-27.

**Contact:** J. Tanguay, Director, Northern Oil and Gas, Northern Affairs, Department of Indian Affairs and Northern Development, Ottawa, Ontario, K1A 0H4.  
Tel. (819) 997-0878; Fax (819) 953-5828.

#### IAND-39

##### **Offshore Installation Manager**

The Canada Oil and Gas Operations Act (COGOA) requires that a manager in command of an installation meet prescribed qualifications. The proposed regulations will spell out these qualification requirements.

The regulations will improve safety of operations on frontier lands in that only qualified and certified personnel will be allowed to be installation managers. Individuals aspiring to become installation managers will be required to meet stringent standards and qualifications which will result in additional costs to industry.

**Classification:** Intermediate cost

**Status:** This is a new initiative, which is the same as NRCan-34.

**Contact:** J. Tanguay, Director, Northern Oil and Gas, Northern Affairs, Department of Indian Affairs and Northern Development, Ottawa, Ontario, K1A 0H4.  
Tel. (819) 997-0878; Fax (819) 953-5828.

#### IAND-40

##### **Drake Point F-16 Royalty**

These regulations modified certain requirements set out in the Canada Oil and Gas Land Regulations.

Since the valid duration of the regulations has expired, there is no further need to retain them. Therefore, these regulations will be revoked.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** J. Tanguay, Director, Northern Oil and Gas, Northern Affairs, Department of Indian Affairs and Northern Development, Ottawa, Ontario, K1A 0H4.  
Tel. (819) 997-0878; Fax (819) 953-5828.

## **Future Initiatives**

### **Canada Mining**

These regulations govern the administration and disposition of mineral rights in the Northwest Territories. Amendments will be proposed to the existing royalty regime in order to clarify intent.

These amendments will require consultation with the departments of Finance and Natural Resources, the Government of the Northwest Territories, the mining industry and, under the terms of land claims agreements, with Native representatives in the N.W.T.

**Contact:** J.M. Hodgkinson, Chief, Mining Legislation and Resource Management, Mining and Infrastructure, Northern Affairs, Department of Indian Affairs and Northern Development, Ottawa, Ontario,



K1A 0H4.

Tel. (819) 994-6434; Fax (819) 953-9066.

### **N.W.T. Mining Royalty Regime**

Based on recent discoveries in the NWT, it is now apparent that Canada has great potential for becoming a major world producer of diamonds. The Canada Mining Regulations (CMR) do not provide a production system tailored to the needs of this new industry. The exploration phase is being satisfactorily carried out under the CMR, but an analysis to determine what new legislation and regulations may be needed is being conducted before production commences.

The analysis will identify proposed amendments or new legislation and consequential regulations which could then be discussed with stakeholders.

**Contact:** J.M. Hodgkinson, Chief, Mining Legislation and Resource Management, Mining and Infrastructure, Northern Affairs, Department of Indian Affairs and Northern Development, Ottawa, Ontario, K1A 0H4.

Tel. (819) 994-6434; Fax (819) 953-9066.

### **Territorial Dredging**

The Territorial Dredging Regulations, promulgated in 1978, govern dredging rights for minerals in submerged river beds in the Northwest Territories and the Yukon Territory. These regulations require some updating, however, changes are not expected to be major or controversial.

An assessment will identify proposed amendments which would then be discussed with stakeholders and revisions made as part of normal ongoing regulatory change. Timing will be dependent on the extent of change required, the concurrence on amendments and other priorities.

**Contact:** J.M. Hodgkinson, Chief, Mining Legislation and Resource Management, Mining and Infrastructure, Northern Affairs, Department of Indian Affairs and Northern Development, Ottawa, Ontario, K1A 0H4.

Tel. (819) 994-6434; Fax (819) 953-9066.

### **Federal Government Employee Land Acquisitions**

The Territorial Lands Act (TLA) requires that no federal officer or employee may acquire, either directly or indirectly, any interest in territorial lands without an Order in Council. While technically regulations, these are single purpose orders to approve the transfer of interest to an individual.

This is a somewhat dated requirement established prior to conflict-of-interest rules. The requirement was aimed at ensuring that federal public servants did not abuse their positions in the acquisition of crown lands, as a carryover from the Dominion Lands Act. Given today's conflict-of-interest rules and the time and resources expended in obtaining Orders in Council, the requirement appears to be an inefficient and unnecessary use of resources.

An alternative would be to remove this requirement through an amendment of the TLA and rely on the conflict-of-interest rules. Another option would be to limit the requirement to employees of Indian Affairs and Northern Development instead of the present blanket coverage. The intent would be to establish more appropriate and efficient methods for future transfers of land. Existing orders should remain on record since they form part of the legal chain of title of the properties involved. Consultation on alternatives would be undertaken with the Bureau of Real Property Management, Treasury Board Secretariat and the Department of Justice.

**Contact:** J.I. Sneddon, Chief, Land Management, Environment and Renewable Resources, Natural Resources and Environment, Northern Affairs, Department of Indian Affairs and Northern Development, Ottawa, Ontario, K1A 0H4.  
Tel. (819) 997-9090; Fax (819) 953-2590.

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## General Information

### Roles and Responsibilities

The Department of Industry (IC) was formed in June 1993 by the merger of the former Industry, Science and Technology, Consumer and Corporate Affairs (except Product Safety Branch and the agri-food packaging and labelling section of the Food Division), the Research and Policy Review Division of Investment Canada, and telecommunications policy and programs from the former Department of Communications, of which Spectrum Management programs form an integral part.

The combination of these policy areas makes IC the government's key economic department. The overall objective of the department is to enhance Canadian competitiveness. This will be achieved through a stronger focus on microeconomic policies. IC provides the private sector, particularly small business, with a more effective single-window on government in the areas of market and business framework policies, economic development, international competitiveness, and investment research, policy and review. IC plays a lead role in reducing internal trade barriers.

In addition, the department provides policy leadership within government in technology issues and in the development of Canada's scientific infrastructure. IC promotes high value-added industrial development by encouraging the development of new products and by enhancing the participation of Canadian scientists and businesses in international ventures.

IC's regulatory regime is focused primarily on the fair and efficient operation of the Canadian marketplace and on providing an infrastructure for the Canadian radiocommunications, broadcasting and telecommunications industries. In terms of providing the framework for the Canadian marketplace, IC ensures that the rules for marketplace behaviour are adequate and properly administered; redresses the imbalance between producers and consumers through consumer protection and representation; promotes creativity, innovation and the use of technology; and provides financial assistance to Canadian companies. The department establishes and administers rules and guidelines for business conduct, ensures accurate information for informed consumer and investor decisions, maintains and

encourages competition among businesses, and encourages the disclosure and diffusion of technological innovation.

The objective of IC in the areas of Canadian radiocommunications, broadcasting and telecommunications is to provide these industries with the legislative and regulatory infrastructure required to compete in the global marketplace. This infrastructure provides for the development of scientific and technical expertise in government, industry and the scientific community in the fields of telecommunications and informatics and ensures the promotion, development and use of advanced technologies in these fields by Canadian industry for both domestic and world markets. IC is also responsible for improving and extending communications services available to Canadians.

The department seeks to ensure the accommodation of as many users of the radio frequency spectrum as possible with a minimum of interference. It also promotes the development and growth of radio and controlling spectrum used by Canadian broadcasters, operators and radio licence holders and protects Canada's rights and interests regarding spectrum use through international agreements and regulations.

The former CCAC and Department of Communications had both completed extensive reviews of their regulations prior to the formation of IC. The review process was directed at finding ways to reduce, streamline or eliminate regulations whose costs may outweigh their benefits. One of the key objectives of the review process was to ensure that federal regulations do not impede Canadian competitiveness. The reviews were undertaken with the co-operation and full participation of stakeholders and clients.

Several common themes emerged from these reviews: enhancing Canadian competitiveness, reducing the administrative burden on government, industry and small business, exploring alternatives to regulation where appropriate, harmonizing the regulatory framework (particularly with respect to standards), and increasing the efficiency of the regulatory process. IC remains committed to implementing the results of these reviews. In addition to actions taken within the department, IC will take a lead role in the ongoing reform of the federal regulatory regime at a government-wide level.

### Legislative Mandate

The Department of Industry has responsibility for the administration of a broad range of Acts, including those listed below:

- Atlantic Canada Opportunities Agency Act

- Bankruptcy and Insolvency Act
- Boards of Trade Act
- Canada Business Corporations Act
- Canada Cooperatives Associations Act
- Canada Corporations Act
- Companies' Creditors Arrangements Act
- Competition Act
- Competition Tribunal Act
- Consumer Packaging and Labelling Act
- Copyright Act
- Corporations and Labour Unions Returns Act
- Electricity and Gas Inspection Act
- Government Corporations Operation Act
- Hazardous Materials Information Review Act
- Industrial and Regional Development Act
- Industrial Design Act
- Investment Canada Act
- Lobbyist Registration Act
- Patent Act
- Precious Metals Marking Act
- Public Documents Act
- Public Servants Inventions Act
- Radiocommunications Act
- Seals Act
- Small Business Investments Grants Act
- Small Business Loans Act
- Standards Council of Canada Act
- Tax Rebate Discounting Act
- Telecommunications Act
- Textile Labelling Act
- Trademarks Act
- Trade Unions Act
- Weights and Measures Act

## Initiatives for 1994

### Bankruptcy Branch

#### IC-1

#### **Bankruptcy and Insolvency – Revision of Rules and Forms**

The Bankruptcy and Insolvency Rules and the prescribed Forms include some provisions that are useless, obsolete or inadequate. A complete revision of the Rules and the accompanying Forms is required in order to modernize, clarify and harmonize them, as well as to repeal obsolete provisions.

As part of this revision, court fees, which include fees payable to the court registrar (Annex 1), will be amended.

The revision will facilitate the administration of the Bankruptcy and Insolvency Act. Even though fees payable to the court registrar may be increased, this

modification should not increase the total cost of the administration of bankruptcy, since, in most cases, it will not be necessary to open a court file.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Federal Regulatory Plan as initiative number CCAC-26.

**Contact:** George Redling, Superintendent of Bankruptcy, Department of Industry, 165 Hotel de Ville Street, Place du Portage, Phase II, 2nd Floor, Commercial Level, Hull, Quebec, K1A 0C9. Tel. (819) 997-1210; Fax (819) 953-3345.

### Broadcasting Regulation Branch

#### IC-2

#### **AM Carrier Current Transmitters**

Carrier current undertakings are broadcasting undertakings. The AM carrier current transmitters that form part of these undertakings are currently required to obtain a broadcasting certificate and a technical acceptance certificate (TAC).

This initiative would remove the requirement to hold a Broadcasting Certificate now applicable to these transmitters, providing they comply with the technical standards and requirements that are the prerequisite conditions for the issuance of the TAC. These technical standards and requirements are established in Broadcasting Equipment Technical Standard 2 (BETS-2) "Technical Standards and Requirements for AM Carrier Current Transmitters that Form Part of a Carrier Broadcasting Undertaking".

This initiative will form part of the ongoing reform of the Radio Regulations.

This initiative, by reducing the administrative burden on both the operators of AM carrier current undertakings and the department, will reduce the costs associated with the regulation of these undertakings.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Fernand Bouchard, Head, Standards, Procedures and Regulations, Development and Publishing, Broadcasting Regulation Branch, Department of Industry, 300 Slater Street, Ottawa, Ontario, K1A 0C8.

Tel. (613) 998-1691; Fax. (613) 991-0652.

#### IC-3

#### **Broadcasting Receiving Apparatus**

Broadcasting receiving apparatus are radio apparatus capable of receiving broadcasting that are intended and used for the purpose of home entertainment. Broadcasting receiving apparatus



include TV receivers, TV converters, video recording devices, closed-captioned decoders, descramblers, satellite receivers and television interface devices that produce one or several signal(s) fed to the input terminals of another receiving apparatus.

The purpose of this initiative is to create a class of radio apparatus called "broadcasting radio apparatus" that will replace all the classes already existing for these apparatus. As a consequence, all broadcasting receiving apparatus will have to comply with technical standards and requirements established for that class in Broadcasting Equipment Technical Standard 7 (BETS-7) "Technical Standards and Requirements for Broadcasting Receiving Apparatus".

This initiative will form part of the ongoing reform of the Radio Regulations.

The creation of a single class of apparatus, replacing the four classes that now exist, will reduce the administrative burden on the manufacturers and the department. Furthermore, the standards applying to the new class will be harmonized with existing US standards for similar apparatus. This initiative is expected to lead to a reduction of the costs with complying with the present regulations.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Fernand Bouchard, Head, Standards, Procedures and Regulations, Development and Publishing, Broadcasting Regulation Branch, Department of Industry, 300 Slater Street, Ottawa, Ontario, K1A 0C8.

Tel. (613) 998-1691; Fax. (613) 991-0652.

#### IC-4

##### **Low-Power Announce Transmitters**

Low-power announce undertakings operating in the frequency bands 525-1,705 kHz and 88-107.5 MHz are broadcasting undertakings. The low-power announce transmitters that form part of these undertakings are currently required to obtain a broadcasting certificate and a technical acceptance certificate (TAC).

This initiative would remove the requirement to hold a broadcasting certificate now applicable to these transmitters providing they comply with the technical standards and requirements that are the prerequisite conditions for the issuance of the TAC.

These technical standards and requirements are established in Broadcasting Equipment Technical Standard 1 (BETS-1) "Technical Standards and Requirements for Low-Power Announce Transmitters in the Frequency Bands 525-1,705 kHz and 88-107.5 MHz".

This initiative will form part of the ongoing reform of the Radio Regulations.

This initiative, by reducing the administrative burden on both the operators of low power announce undertakings and the department, will reduce the costs associated with the regulation of these undertakings.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Fernand Bouchard, Head, Standards, Procedures and Regulations, Development and Publishing, Broadcasting Regulation Branch, Department of Industry, 300 Slater Street, Ottawa, Ontario, K1A 0C8.

Tel. (613) 998-1691; Fax. (613) 991-0652.

### **Bureau of Competition Policy**

#### IC-5

##### **Delegation of Authority to Prescribe User Fees**

Paragraph 19(1)(b) of the Financial Administration Act authorizes the delegation of authority to prescribe fees from the Governor in Council to Ministers. The Bureau of Competition policy proposes that authority to prescribe fees be delegated to the Minister Designate of Industry for the following activities: prenotification filings under section 114 of the Competition Act; advance ruling certificates under section 102 of the Act; and costs of photocopies of transcripts and of documents seized in the course of an investigation under the Act. The implementation of user fees will improve management and promote fairness by shifting the costs of services to those who specifically benefit more directly from them.

These are new fees and represent added costs to those persons affected by the Act. However, fees will be structured so as to recover only the costs of the service. These fees will generate approximately \$1.8 million annually.

**Classification:** Intermediate cost.

**Status:** This initiative appeared in the 1993 Federal Regulatory Plan as initiative number CCAC-14.

**Contact:** Don Mercer, Director, Compliance and Co-ordination Branch, Bureau of Competition Policy, Department of Industry, Place du Portage, Phase I, Hull Quebec, K1A 0C9.

Tel. (819) 997-3763; Fax (819) 953-5013.

## **Canadian Intellectual Property Office**

### **IC-6**

#### **Copyright – Revision of Fees and Form**

As a special operating agency, access to a revolving fund will make CIPO visibly accountable for financing cash flow, revenues and the full costs of its operations. In order to improve the operations' level of service and be self-financing, it is necessary to review current fees and include new fees for copyright registration services. Such fee adjustments will allow the recovery of costs for services for the registration of rights and assignments under the Copyright Act.

The revision of the copyright application form is necessary in order to facilitate the administration of the registry system.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Linda Steingarten, Director, Copyright and Industrial Design Branch, Canadian Intellectual Property Office, Department of Industry, Place du Portage, Phase I, 5th Floor, 50 Victoria Street, Hull, Quebec, K1A 0C9.

Tel. (819) 997-1657; Fax (819) 953-6977.

### **IC-7**

#### **Industrial Design – Revision of Fees**

As a special operating agency, access to a revolving fund will make CIPO visibly accountable for financing cash flow, revenues and the full costs of its operations. In order to improve the operations' level of service and be self-financing, it is necessary to review current fees and include new fees to allow the recovery of costs for services offered to the public for processing of applications and assignments for industrial designs.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Linda Steingarten, Director, Copyright and Industrial Design Branch, Canadian Intellectual Property Office, Department of Industry, Place du Portage, Phase I, 5th Floor, 50 Victoria Street, Hull, Quebec, K1A 0C9.

Tel. (819) 997-1657; Fax (819) 953-6977.

### **IC-8**

#### **Patents – Fee Form for Payment**

CIPO is proposing user fee forms to be used by clients for revenue payment. The purpose is to capture information about transactions by fee and to compare this to the costs of providing significant goods and services to clients.

This form will assist clients since it is straightforward and replaces the memos they must write documenting fees being submitted. It should also reduce the frequency of refunds to clients as well as the frequency of underpayments since most frequent fees for the service will be listed in the user fee form. The data from this form will eventually be captured in the financial revenue processing system. Amendments to the Patent Rules are required to introduce a user fee form for payment of services provided to clients.

The establishment of a user fee form will provide sufficient information for CIPO to capture statistical transaction information and to match the revenues received to the costs of the outputs.

The major groups representing CIPO's clients will be fully consulted throughout the revision process.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Anthony McDonough, Director, Patent Branch, Canadian Intellectual Property Office, Department of Industry, Place du Portage, Phase I, Hull, Quebec, K1A 0C9.

Tel. (819) 953-5864; Fax (819) 953-7620.

### **IC-9**

#### **Patents – Revision**

The Patent Rules will be revised as a consequence of the Intellectual Property Law Improvement Act, which came into effect on June 9, 1993.

This Act has the effect of amending the Patent Act to authorize greater scope for making rules affecting the filing, examination and granting of patents. In particular, rules will be drafted respecting the submission of documents and fees in electronic format, including the recording and storage of such documentation, the requirements for a filing date, the withdrawal of a patent application before it is open to public inspection, the information required and time limits applicable to claim/withdraw priority for a patent application, the deposit of a biological material for the purposes of patent disclosure, the submission of nucleotide/amino acid sequences in electronic form, the prior art effect of Patent Cooperation Treaty applications, the registration of assignments, the abandonment and reinstatement of patent applications, the manner of paying maintenance fees, and generally for carrying into effect the objectives and purposes of the Patent Act. This patents revision initiative incorporates initiatives CCAC-18 and CCAC-22, which were included in the 1993 Federal Regulatory Plan. Significant added costs to patent applicants are not anticipated.

**Classification:** Intermediate cost



**Status:** This is a new initiative.

**Contact:** Anthony McDonough, Director, Patent Branch, Canadian Intellectual Property Office, Department of Industry, Place du Portage, Phase I, Hull, Quebec, K1A 0C9.  
Tel. (819) 953-5864; Fax (819) 953-9358.

#### IC-10

##### **Trademarks – Fee Form for Payment**

CIPO is proposing user fee forms to be used by clients for revenue payment. The purpose is to capture information about transactions by fee and to compare this to the costs of providing significant goods and services to clients.

This form will assist clients since it is straightforward and replaces the memos they must write documenting fees being submitted. It should also reduce the frequency of refunds to clients as well as the frequency of underpayments since most frequent fees for the service will be listed in the user fee form. The data from this form will eventually be captured in the financial revenue processing system. Amendments to the Trademarks Regulations are required to introduce a user fee form for payment of services provided to clients.

The establishment of a user fee form will provide sufficient information for CIPO to capture statistical transaction information and to match the revenues received to the costs of the outputs.

The major groups representing CIPO's clients will be fully consulted throughout the revision process.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Barbara Bova, Director, Trademarks Examination Branch, Canadian Intellectual Property Office, Department of Industry, Place du Portage, Phase I, Hull, Quebec, K1A 0C9.  
Tel. (819) 994-2423; Fax (819) 953-7620.

#### IC-11

##### **Trademarks – Revision**

Amendments are to be made to the Trademarks Regulations to ensure consistency with current jurisprudence and with current practices and procedures utilized in the Trademarks Office. Regulations that are redundant or have been found ultra vires by the Federal Court are being deleted and the wording of certain regulations is being amended so that the terminology is consistent in the regulations and in the Trademarks Act.

The Trademarks Regulations have remained substantially unchanged since the present Trademarks Act was passed in 1952. Since that time, decisions have been rendered by the Federal Court which have found certain sections of the

regulations ultra vires. Particular rules have been found by the Trademarks Office to be less than effective in implementing the provisions of the Trademarks Act, while other rules impede the efficiency of the Trade-marks Office. As well, periodic concerns have been raised by trademark practitioners that certain rules should be amended in order to facilitate the handling of trademark matters before the Trademarks Office.

The proposed changes will affect almost all of the rules but will not have an impact on existing substantive rights presently accorded to trademark owners by the regulations. Most of the changes affect the documentation filed by the public or the manner in which documentation is handled by the Trademarks Office. The changes will decrease the paper workload for both the public and the Trademarks Office and improve service to the public. All services received by trademark applicants are paid for by the owners of the rights registered by the Office on a complete cost recovery basis. Furthermore, at least 40 percent of the revenues generated by the Trademarks Office come from outside Canada.

Significant added costs to trademark applicants are not anticipated.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Federal Regulatory Plan as initiative number CCAC-15.

**Contact:** Barbara Bova, Director, Trademarks Examination Branch, Canadian Intellectual Property Office, Department of Industry, Place du Portage, Phase I, Hull, Quebec, K1A 0C9.  
Tel. (819) 994-2423; Fax (819) 953-7620.

### **Consumer Products Branch**

#### IC-12

##### **Consumer Packaging and Labelling Regulations – Initiatives Arising from 1992 Regulatory Review**

The Consumer Packaging and Labelling Act requires that basic information such as the product name, net quantity, and dealer identification be printed on package labels. The Act also prohibits companies from making false or misleading statements on the labels and provides for regulations governing specific aspects of packaging and labelling, such as language of label information, type height requirements, manner of declaring net contents, and the establishment of tolerances for declarations of quantity.

In 1992, a review of the Consumer Packaging and Labelling Regulations was undertaken in consultation with consumer and industry associations. As a result of this review, the

department will be making amendments where there is the potential to simplify, streamline, or eliminate some regulations.

Some specific regulations and actions being considered at the present include the removal of the exemption from bilingual labelling and standardized package sizes for "test market" products, clarification and simplification of the requirements for net quantity declarations of "bi-dimensional products", and the simplification of the requirements for minimum type height of mandatory label information.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Steve Clarkson, Chief, Merchandise Standards Division, Consumer Products Branch, Department of Industry, Place du Portage, Phase I, Hull, Quebec, K1A 0C9.

Tel. (819) 997-1177; Fax (819) 953-2931.

#### IC-13

##### **Consumer Packaging and Labelling Regulations – Miscellaneous**

This regulatory initiative to amend the Consumer Packaging and Labelling Regulations would remove and/or correct inconsistencies between the English and French versions of the regulations and make other minor housekeeping amendments for the purpose of clarification.

This amendment will have no adverse impact on clients.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Federal Regulatory Plan as initiative CCAC-29.

**Contact:** Steve Clarkson, Chief, Merchandise Standards Division, Consumer Products Branch, Department of Industry, Place du Portage, Phase I, Hull, Quebec, K1A 0C9.

Tel. (819) 953-1338; Fax (819) 953-2931.

#### IC-14

##### **Consumer Packaging and Labelling Regulations – Revocation of Section 36, Standardized Container Sizes**

During the 1970s, when Canada was switching to the metric system of measurement, regulations under the Consumer Packaging and Labelling Act on package sizes were introduced for 14 product classes to prevent consumer confusion because of a proliferation of container sizes. The products regulated included facial tissue, biscuits and cookies, peanut butter, wine and a number of personal-care products.

As a result of the regulatory review, conducted in 1992, the department decided, in consultation

with consumer and industry associations, that these regulations could be revoked because marketplace forces are effective in limiting the number of container sizes.

In those sectors where there is a consensus for revocation, the regulations will be revoked immediately. For the other sectors, a sunset date, after which the regulations will cease to be in force, will be established to provide the affected industry sectors with a reasonable adjustment period.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Steve Clarkson, Chief, Merchandise Standards Division, Consumer Products Branch, Department of Industry, Place du Portage, Phase I, Hull, Quebec, K1A 0C9.

Tel. (819) 997-1177; Fax (819) 953-2931.

#### IC-15

##### **Textile Labelling and Advertising Regulations – Care Symbols and Proper Use of Terms**

The Textile Labelling Act and Regulations are intended to further consumers interests by requiring the provision of basic, accurate information on clothing and other textile articles, including fibre content, and prohibiting misrepresentation in the labelling and advertising of these items.

The Canadian care symbols for clothing and other textile articles were given public notice under subparagraph 9(1)(n)(iii) of the Trademarks Act on October 7, 1981. Consent was thereby given to industry to use, at its option, the Canadian care symbols as a means of providing consumers with information on how to care for their textile articles, providing the symbols are used in accordance with the National Standard of Canada, Care Labelling of Textiles. It has been recently brought to the department's attention that this is an inappropriate use of section 9 of the Trademarks Act because the symbols are being used by industry, not the Department of Industry.

This amendment will incorporate the Canadian care symbols into the Textile Labelling and Advertising Regulations by referencing the National Standard of Canada. This will clarify that it is a violation of the Textile Labelling Act to use the Canadian care symbols in a manner other than that specified in the standard, that is, provide incorrect care information. In addition, section 42 of the Textile Labelling and Advertising Regulations attempts to prescribe the proper use of a number of commonly used expressions, such as hand-knitted, hand-woven and hand-crafted, to prevent false and misleading representations. Amending the section to include relevant definitions should lessen the potential for



misuse of these terms. This amendment is also intended to clarify the use and interpretation of the terms hand-spun, hand-framed, hand-woven, hand-loomed, hand-knitted, hand-sewn, hand-printed, hand-crafted, handicraft and hand-made.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Steve Clarkson, Chief, Merchandise Standards Division, Consumer Products Branch, Department of Industry, Place du Portage, Phase I, Hull, Quebec, K1A 0C9.

Tel. (819) 997-1177; Fax (819) 953-2931.

## IC-16

### **Textile Labelling and Advertising Regulations – Dealer Identity Numbers**

This regulatory initiative will specify that only dealers residing in Canada are eligible to hold a CA Identification Number and will establish a formal revocation procedure for applicants who fail to meet the conditions outlined in the Textile Labelling and Advertising Regulations under the Textile Labelling Act.

As this amendment is intended to restrict the use and prevent the misuse of CA dealer's identification numbers, it is not anticipated that there will be any significant impact on industry.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Federal Regulatory Plan as initiative number CCAC-27.

**Contact:** Steve Clarkson, Chief, Merchandise Standards Division, Consumer Products Branch, Department of Industry, Place du Portage, Phase I, Hull, Quebec, K1A 0C9.

Tel. (819) 997-1177; Fax (819) 953-2931.

## **Corporations Directorate**

## IC-17

### **Canada Business Corporations Act – Contents of Management Proxy Circular**

Regulation 35(ee) presently states that in certain types of transactions, the features of the transaction, the reasons for the transaction and the effect of the transaction on the rights of existing security holders must be set out in the management proxy circular.

The Directorate propose to amend this subsection to ensure that it covers transactions, other than amalgamation and continuance transactions, that are export transactions. "Export transactions" are transactions by which security holders of a CBCA corporation become security holders in an entity

regulated by a jurisdiction other than the CBCA. As a result of this amendment, corporations involved in any type of export transaction that are required to comply with the management proxy circular requirements of the Act will have to disclose the effect that the export will have on the rights of their shareholders. Shareholder rights under the new jurisdiction are not necessarily the same as they are under the CBCA.

The Directorate propose to amend regulation 60, which itemizes the information required to be contained in a takeover bid circular under section 200 of the Act. Since a takeover bid transaction may be an export transaction, it is necessary to amend the section to clarify that where the issuer of securities comprising the consideration for the bid is a non-CBCA corporation, the effect of this export on the rights of the shareholders must be spelled out.

These amendments will be of benefit to security holders of CBCA corporations who are undergoing export transactions, in that they will be more likely notified of the loss of their rights to certain legal remedies. Since corporations complying with regulations 35 or 60 are already required to send out a management proxy circular or a takeover bid circular, the expansion of the ambit of this subsection to cover all, rather than just some, export transactions is not expected to impose a significant financial burden. The main cost would be the price of the legal opinion determining whether the rights in question are lost or retained in the new jurisdiction.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Robert Weist, Director, Compliance Branch, Corporations Directorate, Department of Industry, Place du Portage, Phase II, 4th Floor, 50 Victoria Street, Hull, Quebec, K1A 0C9.  
Tel. (819) 997-1064 Fax (819) 953-3770.

## IC-18

### **Canada Business Corporations Act – Fees – Application for Exemption from Filing of Insider Trading Reports**

This amendment would allow the director appointed under the Canada Business Corporations Act to collect a fee in order to recover the cost of examining applications for exemption from the statutory requirement to file reports of insider trading in the shares or debt obligations of a CBCA corporation.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Robert Weist, Director, Compliance Branch, Corporations Directorate, Department of

Industry, Place du Portage, Phase II, 4th Floor, 50 Victoria Street, Hull, Quebec, K1A 0C9.  
Tel. (819) 997-1064 Fax (819) 953-3770.

#### IC-19

##### **Canada Business Corporations – Fees – Certificate of Compliance**

This regulatory initiative modifies the fee structure applicable to certificates of compliance issued by the director appointed under the Canada Business Corporations Act.

Schedule II of the CBC Regulations now provides for the payment of a \$10.00 fee for the issuance of a certificate of compliance. This certificate cannot be issued if the corporation is not in good standing. In such cases, fees must be refunded.

It is therefore proposed that the fee for the issuance of a certificate of compliance be revoked and replaced with a fee of \$10.00 to process each request for a certificate of compliance. This fee would be non-refundable.

As a result of this amendment, the number of refunds processed will be significantly reduced.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Federal Regulatory Plan as initiative number CCAC-13.

**Contact:** Elaine Collins, Director, Incorporation and Disclosure Services Branch, Corporations Directorate, Department of Industry, Place du Portage, Phase II, 4th Floor, 50 Victoria Street, Hull, Quebec, K1A 0C9.

Tel. (819) 997-1071; Fax (819) 953-5767.

#### IC-20

##### **Canada Business Corporations – Fees – Search Services and Copies of Documents**

Regulation 82(3) presently exempts federal and provincial government departments or agencies from paying a fee to obtain a search or copies of records filed with the director appointed under the Canada Business Corporations Act. This exemption will be revoked so as to enable the Director to fully recover the cost of providing search services or copies of documents. An exception will be made for cases where there exists a reciprocal exchange of information between the Director and a specified government department or agency.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Elaine Collins, Director, Incorporation and Disclosure Services Branch, Corporations Directorate, Department of Industry, Place du Portage, Phase II, 4th Floor, 50 Victoria Street, Hull, Quebec, K1A 0C9.

Tel. (819) 997-1071; Fax (819) 953-5767.

#### IC-21

##### **Canada Business Corporations – Forms – Furnished by the Director**

Canada Business Corporations Regulations 4(2) to 4(4) would be revoked to permit corporations incorporated under the Canada Business Corporations Act to file annual returns on forms other than those supplied by the director appointed under the Canada Business Corporations. This will enable these corporations to use their own technological systems to produce the information required to be filed with the Director.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Elaine Collins, Director, Incorporation and Disclosure Services Branch, Corporations Directorate, Department of Industry, Place du Portage, Phase II, 4th Floor, 50 Victoria Street, Hull, Quebec, K1A 0C9.

Tel. (819) 997-1071; Fax (819) 953-5767.

### **Engineering Programs Branch**

#### IC-22

##### **Interference-Causing Equipment Standards List – Revised Standards**

The Interference-Causing Equipment Standards List prescribes applicable methods of measurement and limits of radio noise emissions from electrical equipment in order to prevent general pollution of the radio spectrum and interference to radiocommunications. Amendments are proposed to list standards that have been revised to bring them into correspondence with current international norms and measurement technology.

New standards will be added to the list to address the growing impact of new electronic equipment technology and applications as they are introduced.

Added costs to the manufacturers and importers who are currently compliant will be minimal.

Amendments to existing standards should have no significant effect upon the cost of certification.

Furthermore, as manufacturers and importers are already required to ensure that all electrical equipment is unlikely to cause radio interference, new standards will simply refine the means to be used for providing that assurance. Matching these standards, to the maximum extent possible, to world norms will also tend to minimize the overall cost by reducing duplication of effort to satisfy diverse requirements in different countries.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Garth Roberts, Director, EMC Analysis and Consultation, Engineering Programs Branch,



Department of Industry, 300 Slater Street, Ottawa, Ontario, K1A 0C8.  
Tel. (613) 990-4716; Fax. (613) 952-5108.

#### IC-23

##### **Radio Standards Specifications – Revised Standards**

Radio Standards Specifications prescribe applicable methods of measurement and limits of the parameters of radiocommunication apparatus necessary to demonstrate their suitability for licensing. Amendments are planned to revise existing standards to facilitate their incorporation by reference under proposed requirements for technical acceptance certification to be incorporated into the ongoing reform of the Radio Regulations initiative. Added costs to the manufacturers and importers will be minimal as the standards will not differ technically from current requirements but will simply reflect the procedural and administrative changes and terminology necessary to maintain consistency with respect to the new regulations.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Veena Rawat, Director, Spectrum Engineering, Engineering Programs Branch, Department of Industry, 300 Slater Street, Ottawa, Ontario, K1A 0C8.  
Tel. (613) 990-4687; Fax. (613) 952-5108.

#### **Intellectual Property Review Branch**

#### IC-24

##### **Patented Medicines (Notice of Compliance) Regulations – Amendments**

On March 12, 1993, the government established new regulations prohibiting the Minister of Health from granting a marketing approval (a notice of compliance) for a drug that relies upon the earlier approval of a related drug until all the relevant product and use patents pertaining to the earlier approved medicine have expired.

The regulations permit applicants to submit the patent number and expiry date of all relevant patents that claim either the medicine or a method of using the drug to treat an illness. Health is required to maintain a public registry of this patent information. When generic (or other drug makers) file NOC applications that rely on the fact that approval has previously been granted to an earlier approved drug for which patent information has been filed, the generic drug maker must certify the status of all patents listed for the earlier approved drug. If the generic NOC applicant alleges that some of the patents listed by the earlier NOC applicant are

invalid or will not be infringed on by the new product, the generic company must give notice of its allegation to the owner of any contested patent. The patent owner may then file suit against the generic applicant to prevent issuance of an NOC on the contested product until patent expiry. Issuance of such an NOC may be delayed up to 30 months pending resolution of the lawsuit.

Given the importance of quickly giving effect to the new regulations, consultations were not undertaken on the text of these regulations prior to their coming into force.

The government is consulting on the text of the existing regulations and it is expected that amendments will be forthcoming.

**Classification:** Intermediate cost

**Status:** This is a new initiative

**Contact:** David Edwards, Senior Policy Analyst, Legislative Review Directorate, Department of Industry, Place du Portage, Phase I, 24th Floor, 50 Victoria Street, Hull, Quebec, K1A 0C9.  
Tel. (819) 953-6748; Fax (819) 953-6696.

#### **Legal Metrology Branch**

#### IC-25

##### **Electricity and Gas Inspection Regulations – Ongoing Technical Revisions**

A review of the regulations has identified several anomalies and technical inconsistencies as well as a number of procedural requirements that need amendment to facilitate effective and efficient implementation of the legislation. This proposal will serve to correct the deficiencies identified.

Since these technical amendments will clarify meaning, ensure consistency, and improve operational efficiency, no adverse impact is expected.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Federal Regulatory Plan as initiative number CCAC-6.

**Contact:** H.L. Fraser, Chief, Electricity and Gas, Legal Metrology Branch, Department of Industry, Ottawa, Ontario, K1A 0C9.  
Tel. (613) 952-0635; Fax (613) 952-5405.

#### IC-26

##### **Electricity and Gas Inspection Regulations – Minor Revisions to Inspection Fees and Charges**

The inspection fees and charges are being amended to permit the implementation of the new Electricity and Gas Quality Monitoring Program. Quality monitoring offers an alternate route to achieving full quality assurance and accreditation (privatization) by

gradually phasing quality into an organization's operations. This program will progressively reduce inspection (meter verification) costs to utilities that consistently demonstrate a high level of product quality.

The inspection fees for demand meters are being increased from \$10 to \$20 to more closely reflect the cost of delivery of inspection services performed by government inspectors and as a stimulus to utilities and meter-service companies to seriously pursue accreditation (privatization) of inspection services. The anticipated revenue from this initiative is estimated at \$1,000,000 annually. This figure is expected to decline in successive years as utilities and meter service companies choose either accreditation or quality monitoring to offset the fee increase.

Some new categories of fees and charges will be created to cover the inspection of new measurement technology. Several minor changes are also being made to improve technical orderliness in the appearance of items listed in tables and to clarify and simplify wording.

The proposed changes will substantially improve the effectiveness and efficiency of the Electricity and Gas Regulations.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Federal Regulatory Plan as initiative number CCAC-5.

**Contact:** H.L. Fraser, Chief, Electricity and Gas, Legal Metrology Branch, Department of Industry, Ottawa, Ontario, K1A 0C9.

Tel. (613) 952-0635; Fax (613) 952-5405.

## IC-27

### **Weights and Measures Regulations – Diamonds and Gem Stones**

The Weights and Measures Act requires that commodities that are sold on the basis of measurement be accurate within limits of error prescribed by the Weights and Measures Regulations. The regulations do not prescribe limits of error for the measurement of diamonds and gem stones nor for the devices used to weigh or measure these commodities.

The proposed amendments to the regulations will establish minimum standards for the measurement of diamonds, gem stones and other commodities of comparable value and for the devices used to weigh or measure these commodities.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Robert C. Bruce, Chief, Weights and Measures Division, Legal Metrology Branch,

Department of Industry, Ottawa, Ontario, K1A 0C9.  
Tel. (613) 952-2625; Fax (613) 952-1736

## IC-28

### **Weights and Measures Regulations – Limits of Error for Exempted Devices**

The Weights and Measures Act requires that weighing and measuring devices be accurate within limits of error prescribed by the Weights and Measures Regulations. The Regulations do not prescribe limits of error for certain devices including water meters, taxi meters, and parking meters. Proposed amendments will establish minimum standards of accuracy and performance for these devices.

The establishment of minimum standards of accuracy and performance will ensure that water meters, taxi meters and parking meters are designed, manufactured and installed to provide accuracy to internationally accepted standards. Consumers will benefit from the assurance that an acceptable level of measurement accuracy is maintained. No impact on compliance mechanisms is expected as a result of this proposal, and no new compliance mechanisms will be necessary.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Federal Regulatory Plan as initiative number CCAC-3.

**Contact:** Robert C. Bruce, Chief, Weights and Measures Division, Legal Metrology Branch, Department of Industry, Ottawa, Ontario, K1A 0C9.  
Tel. (613) 952-2625; Fax (613) 952-1736.

## IC-29

### **Weights and Measures Regulations – Minor Revisions and Additions**

Amendments to the Weights and Measures Regulations are necessary to make minor changes including revoking outdated regulations, recognizing current administrative practices, device technologies and inspection methodologies, and revising certain sections to simplify them and clarify intent. Proposed amendments also respond to industry concerns and reduce barriers that inhibit trade with our major trading partners.

These amendments are minor in nature and their impact will be negligible. They will, however, facilitate overall administration of the Regulations and reflect less interventional approaches to enforcement.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Robert C. Bruce, Chief, Weights and Measures Division, Legal Metrology Branch,



Department of Industry, Ottawa, Ontario, K1A 0C9.  
Tel. (613) 952-2625; Fax (613) 952-1736.

#### IC-30

##### **Weights and Measures Regulations – Revoke Annual Mandatory Inspection of Grain Elevators Licensed under Canada Grain Act**

The Weights and Measures Regulations require that all scales located in terminal, transfer, primary or process grain elevators licensed by the Canada Grain Act be inspected annually. Frequency of inspection is not stipulated for any other device type. This proposed amendment will eliminate the requirement to annually inspect all scales located in grain elevators. Eliminating the fixed frequency of inspections will allow for the inspection of devices where compliance is the lowest and the risk of monetary loss due to inaccurate measurement is highest. Revenues to the Government of Canada would be reduced by approximately \$200,000 annually.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Robert C. Bruce, Chief, Weights and Measures Division, Legal Metrology Branch, Department of Industry, Ottawa, Ontario, K1A 0C9.  
Tel. (613) 952-2625; Fax (613) 952-1736.

### **Management Services and Information Technology Branch**

#### IC-31

##### **Tax Rebate Discounting Act – User Fee Policy**

This proposal is intended to give discounters notice that the Department of Industry (IC), in accordance with section 10 of the Tax Rebate Discounting Act (the Act), will request the Governor in Council to make regulations setting fees to be charged for services provided to discounters.

Discounters would have to pay a minimal sum to work in this industry. The fees to be prescribed would be no higher than necessary to recover actual costs incurred by IC to deliver the services related to the administration of the Act.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1992 Federal Regulatory Plan as initiative number CCAC-25.

**Contact:** Wilfrid Legouffe, Chief, Planning and Program Management, Management Services and Information Technology Branch, Department of Industry, Place du Portage, Phase I, 50 Victoria Street, Hull, Quebec, K1A 0C9.  
Tel. (819) 953-3630; Fax (819) 953-2331.

### **Radio Regulatory Branch**

#### IC-32

##### **Broadcast and Radio Technical Data Services Fees Order**

The department currently charges a fee for the provision of technical information about broadcasting undertakings. This proposal would broaden the number of services to include fees for radio services. In addition, existing fees would be adjusted to reflect the cost of providing the service to the public. Fees for the new services need to be added to reflect the recent availability of such information for public purchase.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Federal Regulatory Plan as initiative number COM-7.

**Contact (Broadcasting):** Jean-Marc Paquet, Manager, Broadcast Informatics, Broadcasting Regulation Branch, Department of Industry, 300 Slater Street, Ottawa, Ontario, K1A 0C8.  
Tel. (613) 990-4951; Fax. (613) 952-1231.

**Contact (Radio):** Denis Benoit, Director, Automated Applications, Radio Regulatory Branch, Department of Industry, 300 Slater Street, Ottawa, Ontario, K1A 0C8.  
Tel. (613) 998-3549; Fax. (613) 998-7004.

#### IC-33

##### **Cellular Licence Fees**

When cellular radio was introduced in 1985, the General Radio Regulations required that all mobile and land stations and all frequencies at the cell sites be licensed. This proved to be administrative burden and in 1987 the General Radio Regulations were changed to exempt subscriber stations from the requirement to be licensed.

Changes in technology have led to the development of more spectrum efficient techniques in cellular radio equipment. As a result, the department wishes to apply "band licensing" to the cellular radio service. This will allow the cellular service providers the freedom to reconfigure their systems as required without going through a licence amendment process. It will also reduce the department's administrative burden of radio licensing.

Although the department will be required to implement a new licence fee structure for the cellular radio service, the new fee structure should not result in additional costs to licensees.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Federal Regulatory Plan as initiative COM-15.

**Contact:** Darius Breau, Manager, Operational Policies, Procedures and Programs, Radio

Regulatory Branch, Department of Industry, 300 Slater Street, Ottawa, Ontario, K1A 0C8.  
Tel. (613) 990-4736; Fax. (613) 952-9871.

#### IC-34

##### **Definition of the Restricted Public Commercial Service**

The current definition of the restricted public commercial service does not take into account communications between fixed stations within the service. When the restricted public commercial service was introduced several decades ago, the service subscribers only operated mobile stations. At that time, subscriber base stations were non-existent and communications between subscriber mobile stations were relayed through the service provider's base stations. Soon afterward, in order to promote efficiency and to facilitate two way conversations, subscriber base stations were introduced to communicate with subscriber mobiles via the service provider's repeater stations. The service definition was not changed to reflect the addition of subscriber base stations to the service. Now, as a result of public consultation, the department has confirmed that there is a need to allow fixed-point to multi-point operations within this service. Therefore, the definition requires amending to provide for fixed operation.

This regulatory amendment will not result in increased costs to either the department or its clients.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Federal Regulatory Plan as initiative COM-12.

**Contact:** Darius Breau, Manager, Operational Policies, Procedures and Programs, Radio Regulatory Branch, Department of Industry, 300 Slater Street, Ottawa, Ontario, K1A 0C8.  
Tel. (613) 990-4736; Fax. (613) 952-9871.

#### IC-35

##### **Fleet Licensing**

A majority of the radio stations licensed by the department in the private commercial service operate in a local environment where a base radio station or stations communicate with associated mobile stations for company business. Examples of these types of operations are delivery services, fire and police services, construction companies and a great number of other applications where radio is operated as a self-contained network.

Currently, the General Radio Regulations require that each individual base and mobile station be licensed and subject to a radio licence fee. To reduce the administrative burden for both the department and

the licensee, the department is planning to amend the regulations in order that a single licensing fee can be applied to all base and mobile stations, contained within these types of systems.

The aggregate fee will be equal to the licence fee currently charged for such systems. Therefore, the licensees will see no extra costs. The department will see only the costs associated with minor changes to the automated licensing system.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Federal Regulatory Plan as initiative COM-16.

**Contact:** Darius Breau, Manager, Operational Policies, Procedures and Programs, Radio Regulatory Branch, Department of Industry, 300 Slater Street, Ottawa, Ontario, K1A 0C8.  
Tel. (613) 990-4736; Fax. (613) 952-9871.

#### IC-36

##### **General Radio Licence Fee Increase**

The radio spectrum is a public resource that is managed in the best interest of all Canadians. Its management includes recovering revenue through licence fees. These fees reflect the value of the resource as well as cover the costs of managing it. The department anticipates that changes to the General Radio Regulations, Part I, may be required to implement a modest increase in radio licence fees. The impact of this modest fee increase on licensees' cost of communications is expected to be minimal. Any increase in fees would become effective April 1, 1995.

**Classification:** Intermediate cost

**Status:** This is a recurring initiative.

**Contact:** Robert Jones, Director General, Radio Regulatory Branch, Department of Industry, 300 Slater Street, Ottawa, Ontario, K1A 0C8.  
Tel. (613) 990-4817; Fax (613) 993-4433.

#### IC-37

##### **Licensing of Mobile Satellite Systems**

Mobile satellite systems, which provide a variety of land, maritime and aeronautical mobile services via satellite, are just beginning to be introduced in Canada. Currently, such mobile services, including position location information, are being provided via foreign satellites since no such Canadian satellites exist. Current regulations are ostensibly based on large bandwidth telecommunication satellites and their associated earth stations, such as Telesat Canada's Anik satellites, which deliver telephone, television, data, etc. services throughout Canada.

This review will develop a new regulatory approach that is more in keeping with the nature of these new mobile satellite systems. This review will also focus



on a better way of licensing the mobiles, which communicate with such satellites, with the objective of minimizing the impact of licensing on the end user. Consequently, the General Radio Regulations, Part 1, will be amended to accommodate this new type of satellite and the associated mobile units and will include the radio station licence fees to be levied. This initiative is likely to have only a minor economic impact on the end user of these new services, while also freeing the end user of the need to hold a licence for the mobile satellite terminal.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Ronald G. Amero, Manager, Space Services Frequency and Orbit Management, Radio Regulatory Branch, Department of Industry, 300 Slater Street, Ottawa, Ontario, K1A 0C8. Tel. (613) 998-3759; Fax (613) 952-9871.

## IC-38

### Reform of the Radio Regulations

This initiative is the result of a major review of all regulations made under the old Radio Act, in the light of the powers found in the Radiocommunication Act. The object is to replace the four existing sets of regulations with one set of comprehensive regulations in order to simplify the regulations, make them easier to comprehend and to allow the department to react more effectively to the demands of rapidly changing technology.

As a result of the review, the General Radio Regulations Parts I and II, the Interference Causing Equipment Regulations and the Radio Operators' Certificate Regulations will be consolidated into one new set of regulations which will be modern, simple and organized in a manner making them easier to modify and understand. Also, in order to ensure linguistic consistency with the new regulations, there will be consequential amendments to existing standards and to the Schedule of Contraventions under the Contraventions Act. Revisions to a Ministerial order under the Financial Administration Act may also be deemed necessary.

There will be a significant reduction in the number of regulations as a result of the use of incorporation by reference of technical standards and the revocation of unenforceable, redundant and outdated provisions. The new regulations will also facilitate enforcement and the administration of justice.

These amendments should not result in any significant change in revenue generation or implementation costs to the department. In reforming the licence fee structure, every effort is being made to maintain fees at an equitable and reasonable level.

Extensive consultation with representatives of the Canadian radio industry and other interested parties occurred prior to developing new regulations in 1990 to seek advice and comments as to the content of the revised regulations. Subsequent consultations occurred in 1993 to review the proposed regulatory package. An additional opportunity to comment will be provided to stakeholders when the regulations are published in the *Canada Gazette* Part I.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Federal Regulatory Plan as initiative number COM-6.

**Contact:** Angela Briginshaw, Manager, National and International Regulations, Radio Regulatory Branch, Department of Industry, 300 Slater Street, Ottawa, Ontario, K1A 0C8. Tel. (613) 998-2927; Fax (613) 993-4433.

## IC-39

### Point-to-Multipoint Licensing

Changes in technology have resulted in many new radio applications, such as wireless alarm systems, utility power meter readers, process controllers and local area networks. Under current regulations, licensees must apply for and obtain a separate licence and must pay a licence fee for each station. Since these devices are low powered and spectrum efficient, the department is planning to amend the regulations, depending on the output power levels involved, to license the stations as part of a system, thus limiting the number of licences to be issued. Since the department would no longer be required to issue a licence for each station in the system, the administrative burden will be significantly reduced for both the department and the licensee. Implementation costs would be minimal since the department's automated licensing system would require only minor modifications. There would be no additional costs to licensees of such systems.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Federal Regulatory Plan as initiative COM-9.

**Contact:** Darius Breau, Manager, Operational Policies, Procedures and Programs, Radio Regulatory Branch, Department of Industry, 300 Slater Street, Ottawa, Ontario, K1A 0C8. Tel. (613) 990-4736; Fax. (613) 952-9871.

## **Small Business Loans Administration Branch**

IC-40

### **Small Business Loan Administration Regulations – Amendments**

Amendments to the Small Business Loan Administration Regulations will be proposed to amend technical problems and to provide clarification for certain provisions. A further amendment will be proposed to limit the amount of personal guarantees that are required to be taken.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Michael Hanly, Director, Small Business Loans Administration, Department of Industry, 235 Queen Street, 8th Floor, Ottawa, Ontario, K1A 0H5. Tel. (613) 954-5547; Fax (613) 952-0290.

## **Telecommunications Policy**

IC-41

### **Revision of the External Submarine Cable Regulations**

With the coming into force of the new Telecommunications Act on October 25, 1993, a requirement exists to update and harmonize the External Submarine Cable Regulations which were promulgated under the old Telegraphs Act. Section 22 (2) of the Telecommunications Act specifies the powers of the Governor in Council to make regulations relating to submarine cable licences.

This initiative will provide a review of the relevant regulations and include, inter alia, a review of the procedures governing applications for licences, the conditions attached thereto, the form and class of licences, traffic, fees, and related requirements, for example, environmental assessment requirements, policy issues and initiatives.

This initiative is not expected to have a major economic impact on the end user but could result in a fee structure that would be more in line with the costs of issuing licences.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Pierre Gagné, Director, International Telecommunications, Department of Industry, 300 Slater Street, Ottawa, Ontario, K1A 0C8. Tel. (613) 990-4240; Fax (613) 952-5313.

## **Future Initiatives**

### **Canadian Intellectual Property Office (CIPO)**

#### **Patents – Fee Changes**

As a special operating agency, there are issues and actions that CIPO needs to address to operate a business geared to results and service improvement. Access to a revolving fund will make CIPO visibly accountable for financing cash flow, revenues and the full costs of its operations. In order to improve the operation's level of service and be self-financing, CIPO must develop and implement specific productivity savings and revenue-generating opportunities.

Amendments to the Patent Rules are required to prescribe the fees or the manner of determining the fees. The amendment of the fee structure will provide CIPO with the tools required to improve its services to clients.

The major groups representing CIPO's clients will be fully consulted throughout the revision process.

**Contact:** Anthony McDonough, Director, Patent Branch, Canadian Intellectual Property Office, Department of Industry, Place du Portage, Phase I, Hull, Quebec, K1A 0C9.

Tel. (819) 953-5864; Fax (819) 953-7620.

#### **Trademarks – Fee Changes**

As a special operating agency, there are issues and actions that CIPO needs to address to operate a business geared to results and service improvement. Access to a revolving fund will make CIPO visibly accountable for financing cash flow, revenues and the full costs of its operations. In order to improve the operation's level of service and be self-financing, CIPO must develop and implement specific productivity savings and revenue-generating opportunities.

Amendments to the Trademarks Regulations are required to prescribe the fees or the manner of determining the fees. The amendment of the fee structure will provide CIPO with the tools required to improve its services to clients.

The major groups representing CIPO's clients will be fully consulted throughout the revision process.

**Contact:** Barbara Bova, Director, Trademarks Examination Branch, Canadian Intellectual Property Office, Department of Industry, Place du Portage, Phase I, Hull, Quebec, K1A 0C9.

Tel. (819) 994-2423; Fax (819) 953-7620.



## **Consumer Products Branch**

### **Precious Metals Marking**

Modernizing precious metals marking standards and quality assurance programs are essential for developing the consumer and industry confidence necessary for the Canadian jewellery industry to remain competitive domestically and abroad. Consumer protection and quality assurance programs are often more demanding for many of Canada's major trading partners. Trade equity requires such standards and inspection.

Alternatives under review include revised standards, use of voluntary or mandatory quality assurance programs, adoption of international standards, and adoption of standards equivalent to those of major trading partners.

The department will consult mainly with the Canadian jewellery industry, foreign governments and their assay offices. Other stakeholders will be made aware of the department's plans through a notice in the *Canada Gazette*.

**Contact:** Katharine E. Gourlie, Director, Consumer Products Branch, Department of Industry, Place du Portage, Phase I, Hull, Quebec, K1A 0C9.  
Tel. (819) 997-3187; Fax (819) 953-2931.

## **Engineering Programs Branch**

### **Interference-Causing Equipment Standards**

Electrical equipment of all kinds emit radio noise that can pollute the electromagnetic environment and interfere with radio reception. To continue to protect radio users from interference, the Department of Industry intends to prepare updated and new standards for the technical requirements to be followed when manufacturing, importing, selling or using interference-causing equipment.

Alternatives under review are the use of voluntary standards, incorporation by reference of standards established outside the department, or the use of standards established by the Minister. Criteria used in determining the need for and timing of such standards will be based upon the adoption and expansion of new electronic technology, the rate of implementation of new and expanded radio services, and their compatibility in an increasingly congested electromagnetic environment. This initiative is ongoing.

The department will mainly consult with the Radio Advisory Board of Canada, which represents the Canadian radiocommunications industry. Other stakeholders will be made aware of proposals for new or revised standards through notices in the *Canada Gazette*. The mechanism for implementation

of mandatory standards will be, in accordance with the Interference-Causing Equipment Regulations, by their inclusion in the Interference-Causing Equipment List, published in the *Canada Gazette*.

**Contact:** Garth Roberts, Director, EMC Analysis and Consultation, Engineering Programs Branch, Department of Industry, 300 Slater Street, Ottawa, Ontario, K1A 0C8.

Tel. (613) 990-4716; Fax. (613) 952-5108.

### **Radio Standards Specifications**

Radio apparatus, technology and systems continue to evolve rapidly. To ensure continuing access to modern, effective means of radiocommunications by Canadian citizens and industry, the Department of Industry intends to prepare updated and new standards for the technical requirements to be followed when manufacturing, importing, selling or using radio apparatus.

Alternatives under review are the use of voluntary standards, incorporation by reference of standards established outside the department, or the use of standards established by the Minister.

Criteria used in determining the need for and timing of such standards will be based upon the evolution of radiocommunication technology, the rate of implementation of new and expanded radio services and the requirements to ensure their mutual compatibility in an increasingly congested electromagnetic environment. This will remain an ongoing initiative.

The department will mainly consult with the Radio Advisory Board of Canada, which represents the Canadian radiocommunications industry. Other stakeholders will be made aware of proposals for new or revised standards through notices in the *Canada Gazette*.

**Contact:** Veena Rawat, Director, Spectrum Engineering, Engineering Programs Branch, Department of Industry, 300 Slater Street, Ottawa, Ontario, K1A 0C8.

Tel. (613) 990-4687; Fax. (613) 952-5108.

## **Legal Metrology**

### **Weights and Measures Regulations – Fees and Charges/Licensing**

The Weights and Measures Regulations set out fees and charges for the provision of certain services. These services include the calibration and certification of legal measurement standards, the approval evaluation of weighing and measuring devices, and the inspection of weighing and measuring devices before trade use commences.

No fees are charged for subsequent inspections of in-service weighing and measuring devices.

Government policy requires that appropriate fees and charges be assessed where services are provided primarily for the benefit of specific groups such as users of the services and consumers of their products. Proposed amendments to the Weights and Measures Act and regulations will assess fees to fully recover the costs to perform compliance inspections through an annual system of device registration and licensing.

In keeping with the government objective of implementing the principle of "user pay", licensing fees will reflect the cost of providing inspection services. The economic impact of licensing will be assessed. Owners of devices will see a direct, though not significant, increase in the cost of doing business. The public as a whole will benefit since most of the costs of the weights and measures program will no longer be supported through general taxation but by those who benefit most directly from the service.

**Contact:** Robert C. Bruce, Chief, Weights and Measures Division, Legal Metrology Branch, Department of Industry, Ottawa, Ontario, K1A 0C9. Tel. (613) 952-2625; Fax (613) 952-1736.

### **Weights and Measures Regulations: Harmonization of Technical Standards and Mutual Recognition of Approval Evaluation**

As part of the essential work necessitated by the Canada-United States Free Trade Agreement, the governments of Canada and the U.S. have agreed to eliminate technical trade barriers.

Proposed amendments to the Weights and Measures Regulations will establish more uniform design and performance requirements for weighing and measuring devices based on international standards.

The proposed amendments will require extensive consultation with the manufacturers of weighing and measuring devices in Canada. Other interested parties will have the opportunity to comment when the proposal is published in the Federal Regulatory Plan and during the consultation period following publication in Part I of the *Canada Gazette*.

**Contact:** Robert C. Bruce, Chief, Weights and Measures Division, Legal Metrology Branch, Department of Industry, Ottawa, Ontario, K1A 0C9. Tel. (613) 952-2625; Fax (613) 952-1736.

## **Management Services and Information Technology Branch**

### **Tax Rebate Discounting Act – Excess Payments**

Pursuant to the Tax Rebate Discounting Act, discounters receive the client's income tax refund directly from Revenue Canada. It is proposed that all excess payments (the difference between the estimated refund and the actual refund) be forwarded directly to the client. Consequently, the Schedule II form of the Regulations would have to be repealed.

**Contact:** Wilfrid Legouffe, Chief, Planning and Program Management, Management Services and Information Technology Branch, Department of Industry, Place du Portage, Phase I, 50 Victoria Street, Hull, Quebec, K1A 0C9. Tel. (819) 953-3630; Fax (819) 953-2331.



## **Industry, Science and Technology, Department of**

This department is now part of the Department of Industry.

# Justice, Department of

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## General Information

### Roles and Responsibilities

The Department of Justice was established by Act of Parliament in 1868. Its roles and responsibilities reflect the fact that under the Department of Justice Act, the Minister of Justice is also the Attorney General of Canada.

The Attorney General of Canada advises the government "on all matters of law." Consequently, the Department of Justice provides legal services to all government departments including the provision of legal advice, the preparation of legal documents and the drafting of legislation. (Some specialized legal services are provided by other organizations such as the Legal Affairs Bureau of the Department of Foreign Affairs and International Trade, the Judge Advocate General and the Bureau of Pensions Advocates under the Minister of Veterans Affairs.)

The Attorney General of Canada regulates and conducts litigation for or against government departments, departmental corporations and Crown corporations that are agents of Her Majesty in right of Canada.

The Minister of Justice is the official legal advisor of the Governor General and the legal member of the Queen's Privy Council for Canada and must see that the administration of public affairs is in accordance with the law. On behalf of the Minister, the department examines all bills introduced by Ministers in the House of Commons in order to ascertain whether their provisions are consistent with the Canadian Bill of Rights or the Canadian Charter of Rights and Freedoms. The Privy Council Office Section of the Department, on behalf of the Clerk of the Privy Council and the Deputy Minister of Justice, examines most proposed regulations under the Statutory Instruments Act according to criteria set out in that Act.

The Minister of Justice superintends all matters connected with the administration of justice in Canada that are within federal jurisdiction and is also responsible for carrying out other duties assigned by the Governor in Council. Accordingly, the Department of Justice plans, develops and implements government policies in such areas as criminal law, family law, extradition, access to information and privacy and human rights.



## Legislative Mandate

The Minister of Justice is responsible for all or part of the following legislation:

- Access to Information Act
- Annulment of Marriages (Ontario) Act
- Bills of Lading Act
- Canada Evidence Act
- Canada Prize Act
- Canada – United Kingdom Civil and Commercial Judgments Convention Act
- Canadian Bill of Rights
- Canadian Human Rights Act
- Canadian Laws Offshore Application Act
- Commercial Arbitration Act
- Criminal Code
- Crown Liability and Proceedings Act
- Department of Justice Act
- Divorce Act
- Escheats Act
- Expropriation Act
- Extradition Act
- Family Orders and Agreements Enforcement Assistance Act
- Federal Court Act
- Federal Real Property Act
- Foreign Enlistment Act
- Foreign Extraterritorial Measures Act
- Fugitive Offenders Act
- Garnishment, Attachment and Pension Diversion Act
- Identification of Criminals Act
- International Sale of Goods Contracts Convention Act
- Interpretation Act
- Judges Act
- Marriage Act (Prohibited degrees)
- Mutual Legal Assistance in Criminal Matters Act
- Narcotic Control Act
- Official Languages Act
- Official Secrets Act
- Permanent Court of International Justice Act
- Postal Services Interruption Relief Act
- Privacy Act
- Revised Statutes of Canada, 1985 Act
- Security Offences Act
- State Immunity Act
- Statute Revision Act
- Statutory Instruments Act
- Supreme Court Act
- Tax Court of Canada Act
- Tobacco Restraint Act
- United Nations Foreign Arbitral Awards Convention Act
- Young Offenders Act

## Initiatives for 1994

### JUS-1

#### **Access to Information and Privacy Acts: Extending Coverage**

The coverage of either or both of the Access to Information Act and the Privacy Act could be extended to bodies not yet subject to these Acts. Newly created government institutions could also be brought under either or both Acts. Extending the coverage of the Access to Information Act would enhance openness and accountability because the information held by the entities brought under the Act would be subject to the right of access which the Act confers. Extending the Privacy Act would enhance the privacy of individuals because it would extend the provisions concerning the collection, retention, use, disclosure and disposal of personal information to the entities brought under the Act. It would also permit individuals to exercise the right of access conferred by the Act with respect to personal information held by the entities and to request that this information be corrected.

**Classification:** Intermediate cost

**Status:** This is a recurring initiative.

**Contact:** Lloyd Younger, Head, Information Law and Privacy Section, Department of Justice, Ottawa, Ontario, K1A 0H8.  
Tel. (613) 957-4624.

### JUS-2

#### **Extending the Privacy Act to Crown Corporations**

This initiative will bring wholly owned Crown corporations and their wholly owned subsidiaries under the Privacy Act. The extension of the Act would enhance the privacy of individuals by according them the provisions of the Act concerning the collection, retention, use, disclosure and disposal of personal information to these entities. It would also permit individuals to exercise the right of access conferred by the Act with respect to personal information held by the entities on them and to request that this information be corrected.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number JUS-2.

**Contact:** Lloyd Younger, Head, Information Law and Privacy Section, Department of Justice, Ottawa, Ontario, K1A 0H8.  
Tel. (613) 957-4624.

**JUS-3****Access to Information and Privacy Regulations: Amendments to Schedules**

The schedules to the Access to Information Regulations and the Privacy Regulations identify specific bodies, investigative bodies and classes of investigations for disclosure and exemption purposes under the Access to Information and Privacy Acts. These schedules may require amendments to reflect a new addition or a change in title.

**Classification:** Low cost

**Status:** This is a recurring initiative.

**Contact:** Lloyd Younger, Head, Information Law and Privacy Section, Department of Justice, Ottawa, Ontario, K1A 0H8.  
Tel. (613) 957-4624.

**JUS-4****Statutory Instruments Regulations**

In previous years, various departments have requested amendments to these Regulations to provide for the publication of certain statutory instruments and other documents in the *Canada Gazette*, also, for the exemption of certain Regulations or classes of regulations from the provisions of the Statutory Instruments Act relating to the registration, publication, inspection or procurement of copies of regulations or other statutory instruments. These regulations could well be amended as a result of such requests.

A class of regulations may be exempted from registration and publication where the registration is not practical due to the number of regulations of that class. Regulations or a class of regulations may be exempted from publication: if the limited number of people affected or likely to be affected have been given notice; where the publication could reasonably be expected to be injurious to the conduct of federal-provincial or international affairs, Canada's allies or associates, the defence of Canada or the detection, prevention or suppression of subversive or hostile activities.

The inspection and copy requirement for certain regulations, classes of regulations, specific statutory instruments or classes of statutory instruments may be precluded where it has been exempted from publication because it relates to international affairs, defence or subversive or hostile activities. In addition, certain statutory instruments or classes of statutory instruments, other than a regulation, may be precluded where the inspection or making of copies would result in injustice or undue hardship to persons or bodies or in serious and unwarranted

detriment to such persons or bodies in the conduct of their affairs.

Editorial changes which follow from the 1985 Statute revision are also proposed.

In addition, as a result of the recent government reorganization these regulations may need to be amended to correct the titles of Ministers.

**Classification:** Low cost

**Status:** This is a recurring initiative.

**Contact:** Alain Prévost, Senior Counsel, Privy Council Office Section, Department of Justice, 222 Queen Street, Room 624, Ottawa, Ontario, K1A 0H8.

Tel. (613) 957-0094; Fax (613) 941-2322.

**JUS-5****Seized Property Management Act Regulations**

The Seized Property Management Act was given Royal Assent on June 23, 1993. Regulations are required to provide for the management of property that is the subject of a seizure, restraint or management order in proceeds of crime and other cases initiated by the Attorney General of Canada. Regulations are also required to provide for the management and disposal of property obtained as a result of forfeitures in cases initiated by the Attorney General of Canada. Regulations are also required to prescribe the operations of the accounts established in the Act and to provide a form to report the change in location of seized property. Finally, regulations are needed to establish a process to share the proceeds of crime that is forfeited to Her Majesty the Queen in right of Canada with jurisdictions, the law enforcement agencies of which provided assistance in the investigation that lead to the forfeiture. The sharing regulations will provide for the payment of moneys out of the proceeds account established by the Act.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Daniel P. Murphy, Senior Counsel, Office of the National Strategy for Drug Prosecutions, Department of Justice, Ottawa, Ontario, K1A 0H8.  
Tel. (613) 952-5034; Fax (613) 957-8412.

**JUS-6****Contraventions Act – Ticketing Scheme**

The Contraventions Act (Chapter 47, S.C. 1992), which establishes a ticketing scheme for minor federal offences, received Royal Assent in October, 1992. The Act will come into force on a date to be fixed by Order of the Governor in Council. A regulation in the form of a Schedule of Offences, will designate federal offences as contraventions



and establish short form wordings and set fines for these offences.

Other regulations will prescribe the ticket forms, cost to be awarded in proceedings and other forms for use in administering the Act.

These regulations are necessary as they will establish the working tools for the ticketing scheme.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number JUS-6.

**Contact:** Fran Crowhurst, Legal Counsel, Contraventions Act Project, Compliance and Aboriginal Justice, Department of Justice, 130 Albert Street, Room 825, Ottawa, Ontario, K1A 0L6.  
Tel. (613) 941-4106.

#### JUS-7

##### **Regulation Establishing "Safety Zone" Around Marine Installations**

Article 5(2)(b) of the Canadian Laws Offshore Application Act allows the Governor in Council to make regulations determining or prescribing the method of determining a safety zone surrounding any marine installation or structure or artificial island. Federal (and when in force, provincial or territorial) laws will thus be extended to the safety zones as well as to the installations themselves.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number JUS-7.

**Contact:** Thomas-Louis Fortin, Constitutional and International Law Section, Department of Justice, Ottawa, Ontario, K1A 0H8.  
Tel. (613) 957-4957.

#### JUS-8

##### **Approved Breath Analysis Instruments Order, Approved Screening Devices Order, Approved Blood Sample Container Order**

These orders are required to approve various devices and instruments designed to ascertain either the presence or the concentration of alcohol in the blood of a person, as well as to approve various containers designed to receive a blood sample from a person for analysis. These devices, instruments and containers must be approved by the Attorney General of Canada before they may be used in the manner described in the Criminal Code for the purposes of detecting impairment.

Approval of new devices, instruments or containers will permit their use by police forces in investigations of suspected cases of impaired driving, boating, flying or operating railway equipment. Such approval

of new devices will increase the purchase options available to police authorities for use of new equipment.

**Classification:** Low cost

**Status:** This is a recurring initiative.

**Contact:** Catherine Kane, Legal Counsel, Criminal Law Policy Section, Department of Justice, 239 Wellington Street, Room 716, Ottawa, Ontario, K1A 0H8.  
Tel. (613) 957-4690.

#### JUS-9

##### **Information Banks**

The purpose of this regulatory initiative is to change the description of the Information Banks listed in section 3 of the existing regulations under the Family Orders and Agreements Enforcement Assistance Act to reflect the current description of the data banks at the Department of National Health and Welfare.

These regulations will not add or delete information banks.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Federal Regulatory Plan as initiative number JUS-9.

**Contact:** Ken Duford, Manager, Family Law Assistance Systems Section, Department of Justice, P.O. Box 2730, Station "D", Ottawa, Ontario, K1P 5W7.  
Tel. (613) 990-7008.

#### JUS-10

##### **Forms for Interception**

This regulatory initiative is intended to revise the application form in schedule I (section 5) of the existing regulations to ensure compatibility with the automated systems used by the provincial and territorial authorities and to reflect proposed legislation amendments to the Family Orders and Agreements Enforcement Assistance Act.

The changes are minor in nature and the application form will continue to reflect the requirements of Part II of the Family Orders and Agreements Enforcement Assistance Act.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number JUS-10.

**Contact:** Ken Duford, Manager, Family Law Assistance Systems Section, Department of Justice, P.O. Box 2730, Station "D", Ottawa, Ontario, K1P 5W7.  
Tel. (613) 990-7008.

**JUS-11****Conditions for Holdbacks**

The purpose of this regulatory initiative is to indicate the portion of the garnishable moneys which is to be excluded from garnishment and which remains payable to the debtor. The Family Orders and Agreements Enforcement Assistance Act is currently silent on this issue and the changes will help to provide more equitable treatment of individuals with respect to federal sources of funds. The holdback levels for each fund have yet to be determined.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number JUS-11.

**Contact:** Ken Duford, Manager, Family Law Assistance Systems Section, Department of Justice, P.O. Box 2730, Station "D", Ottawa, Ontario, K1P 5W7.  
Tel. (613) 990-7008.

**JUS-12****Notice of Service of Garnishment**

This regulatory initiative will clarify section 45 of the Family Orders and Agreements Enforcement Assistance Act, which provides that a notice should be sent to debtors where garnishable moneys are or will be paid out. This is a consequential amendment to section 9 of the regulations to provide notice to debtors of the receipt of an application for garnishment and to specify a period of 20 days within which the notice must be sent. Currently the Minister of Justice has 20 days after the date of service of the application to respond to a garnishment summons.

This initiative, which is minor in nature, will also amend Schedule II of the regulations to clarify the form letter for the debtor as a result of the consequential amendment to section 9.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number JUS-12.

**Contact:** Ken Duford, Manager, Family Law Assistance Systems Section, Department of Justice, P.O. Box 2730, Station "D", Ottawa, Ontario, K1P 5W7.  
Tel. (613) 990-7008.

**JUS-13****Forms for Tracing**

This regulatory initiative is intended to revise the application form in schedule I (section 4) of the existing regulations to ensure compatibility with the automated system used by provincial and territorial authorities.

The changes are minor in nature and the application form will continue to reflect the requirements of Part I of the Family Orders and Agreements Enforcement Assistance Act.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number JUS-13.

**Contact:** Ken Duford, Manager, Family Law Assistance Systems Section, Department of Justice, P.O. Box 2730, Station "D", Ottawa, Ontario, K1P 5W7.  
Tel. (613) 990-7008.

**JUS-14****Amendment of the Schedule Containing the Registration of Divorce Proceeding Form**

The Registration of Divorce Proceeding Form, 1993, is a document that is completed by the registrar of the court in which an application for divorce has been filed and is sent to the Central Registry of Divorce in Ottawa. The information in the form is primarily required to clarify jurisdiction over a divorce proceeding. Data from the form is also used for national divorce statistics and for responding to individual requests respecting a particular divorce. The Registration of Divorce Proceeding Form was amended pursuant to a Memoranda of Agreement Respecting the Responsibilities of the Government of Canada and the Governments of the Provinces/Territories with Respect to the Central Registry of Divorce Proceedings. The changes to the Form make it easier to process and provide additional information.

The purpose of this regulation is to update the schedule and replace the previous form contained therein with the Regulation of Divorce Proceeding Form, 1993.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Glenn Rivard, General Counsel, Family and Youth Law Policy Section, Department of Justice, 239 Wellington Street, Room 759, Ottawa, Ontario, K1A 0H8.  
Tel. (613) 941-2339.

**JUS-15****Amendment of the Schedule Referred to in Sections 31, 32 and 41 of the Garnishment, Attachment and Pension Diversion Act, Part II, R.S.C. 1985, C.G-2**

The Schedule attached to the Garnishment, Attachment and Pension Diversion Act lists those pension benefits, and the statutes which authorize them, which are subject to diversion in order to satisfy financial support orders.



Section 14 of the Schedule needs to be repealed as it refers to a pension plan that is no longer in existence and refers to pension benefits payable pursuant to a section of the War Veterans Allowance Act, which was revoked in 1985 by the Veterans, Appeal Board Act. This amendment therefore, removes from the Schedule reference to a pension plan which is no longer in existence.

*Classification:* Low cost

*Status:* This is a new initiative.

*Contact:* Glenn Rivard, General Counsel, Family and Youth Law Policy Section, Department of Justice, 239 Wellington Street, Room 759, Ottawa, Ontario, K1A 0H8.

Tel. (613) 941-2339.

#### JUS-16

##### **Amendment of the Garnishment and Attachment Regulations SOR/83-212**

Section 4 of the Garnishment and Attachment Regulations lists the address in each province or territory where documents relating to garnishment proceedings against Her Majesty are to be serviced.

The current address indicated in the regulations where documents issued by a court in Alberta are to be sent will only be effective until October 30, 1993, as the Edmonton Regional Office is moving on that date. The Regulations are being amended therefore, to substitute the new address for the Edmonton Regional Office.

*Classification:* Low cost

*Status:* This is a new initiative.

*Contact:* Glenn Rivard, General Counsel, Family and Youth Law Policy Section, Department of Justice, 239 Wellington Street, Room 759, Ottawa, Ontario, K1A 0H8.

Tel. (613) 941-2339.

#### JUS-17

##### **Firearms Regulations (Criminal Code Part III)**

As part of the ongoing review and revision of federal regulations, the Restricted Weapons and Firearms Control Regulations, which deal primarily with the activities of firearm-related businesses, will be re-examined. Other firearms regulations made in the course of implementing the 1991-92 firearms amendment package (Bill C-17) may be reviewed as well. If practicable, these regulations will be revised and consolidated to facilitate use by Canadian firearm owners.

*Classification:* Low cost

*Status:* This is a new initiative.

*Contact:* Chris Ram, Criminal Law Policy Section, Department of Justice, 239 Wellington Street, Room

710, Ottawa, Ontario, K1A 0H8.

Tel. (613) 957-4736.

#### JUS-18

##### **Firearms Regulations (Prohibited and Restricted Weapons Orders)**

Orders in Council declaring firearms, weapons and other devices to be "prohibited weapons" or "restricted weapons" pursuant to Criminal Code subsection 84(1) are subject to ongoing review. Further additions or other changes may be made during 1994.

*Classification:* Intermediate cost

*Status:* This is a recurring initiative.

*Contact:* Chris Ram, Criminal Law Policy Section, Department of Justice, 239 Wellington Street, Room 710, Ottawa, Ontario, K1A 0H8.

Tel. (613) 957-4736.

## Labour, Department of

This department is now part of the Department of Human Resources Development.



## **Multiculturalism and Citizenship, Department of**

Responsibilities of the entire department have been transferred as follow:

- responsibility for multiculturalism policy and programs to Canadian Heritage; and
- citizenship registration and promotion programs to the Department of Citizenship and Immigration.

# National Defence, Department of

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## General Information

### Roles and Responsibilities

The Minister of National Defence has the control and management of the Canadian Forces and of all matters relating to national defence. The Minister is responsible for the construction and maintenance of all defence establishments and works for the defence of Canada, as well as research relating to the defence of Canada and to the development and improvements of material.

The Minister is also responsible for Emergency Preparedness Canada (EPC). EPC's mandate is to advance civil preparedness in Canada for all types of emergencies (including public welfare, public order, international and war emergencies as defined in the Emergencies Act) by facilitating and coordinating, at the federal level and in cooperation with provincial and foreign governments and international organizations, the development and implementation of civil emergency plans.

### Legislative Mandate

The Minister of National Defence is responsible for the administration of the following Acts:

- National Defence Act
- Aeronautics Act, with respect to any matter relating to defence
- Army Benevolent Act
- Canadian Forces Superannuation Act
- Defence Service Pension Continuation Act
- Emergencies Act
- Emergency Preparedness Act
- Garnishment, Attachment and Pension Diversion Act, with respect to members of the Canadian

Forces and employees of the Department of National Defence

- Visiting Forces Act

In addition, the Department of National Defence administers, under the general direction of the Chief Electoral Officer, the Special Voting Rules (Schedule II to the Canada Elections Act) as they relate to Canadian Forces electors.

## Initiatives for 1994

### ND-1

#### Comox Airport Zoning Regulations

This regulatory initiative will limit the height of buildings, structures and objects, including objects of natural growth, and prohibit waste disposal sites and other land uses which might attract birds to or in the vicinity of the airport.

These Regulations will affect only those landowners who hold property adjacent to or in the immediate vicinity of the airport and will have no impact on society or the economy in general. Preliminary briefings with local municipal authorities and with the public will take place before the Regulations are enacted.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number ND-1.

**Contact:** Robert H. Thomson, Program Manager Airfield Zoning, National Defence Headquarters, 101 Colonel By Drive, (9CBN), Ottawa, Ontario, K1A 0K2.

Tel. (613) 945-7746; Fax (613) 992-9422.

### ND-2

#### Moose Jaw Airport Zoning Regulations

This regulatory initiative will limit the height of buildings, structures and objects including objects of natural growth, and prohibit waste disposal sites and other land uses which might attract birds to or in the vicinity of the airport.

These regulations will affect only those landowners who hold property adjacent to or in the immediate vicinity of the airport and will have no impact on society or the economy in general. Preliminary briefings with local municipal authorities and with the public will take place before the Regulations are enacted.

**Classification:** Intermediate cost



**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number ND-2.

**Contact:** Robert H. Thomson, Program Manager  
Airfield Zoning, National Defence Headquarters,  
101 Colonel By Drive (9CBN), Ottawa, Ontario,  
K1A 0K2.

Tel. (613) 945-7746; Fax (613) 992-9422.

#### ND-3

##### **Orders in Council Pursuant to Paragraphs 9(c) and 9(d) of the Emergency Preparedness Act**

These new Orders will be promulgated as required for provincial emergencies when provinces request federal assistance. The Emergency Preparedness Act requires that an order or regulation be made to declare such an emergency to be of concern to the federal government and to authorize the provision of financial assistance. Such assistance, where authorized, will be provided in accordance with arrangements established by the Cabinet in 1970 (Disaster Financial Assistance arrangements) and subject to the approval of the Treasury Board.

**Classification:** Intermediate cost

**Status:** This is a recurring initiative.

**Contact:** Dave Neville, Chief Financial Assistance Programs, Department of National Defence,  
122 Bank Street, Jackson Building, Ottawa, Ontario,  
K1A 0K2.

Tel. (613) 991-7003; Fax (613) 996-0995.

#### ND-4

##### **Canadian Forces Superannuation Regulations**

This regulatory initiative will provide a more flexible pension plan that will include the participation of Reserve Force members and change the conditions governing the election of prior service. It will also amend pensionable treatment of periods of leave without pay. These regulations will also offer the opportunity to provide survivors' pensions for those who marry after 60 years of age. The costs incurred will be minimal.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** David Primeau, Directorate of Compensation and Benefits Administration, National Defence Headquarters, Ottawa, Ontario, K1A 0K2.

Tel. (613) 996-3062; Fax (613) 996-7912.

## National Health and Welfare, Department of

Responsibilities of the entire department have been transferred as follow:

- health policy, health protection, health insurance transfer payments to provinces and territories, seniors programs and fitness activities transferred to the Department of Health;
- social services and income support programs transferred to the Department of Human Resources Development; and
- amateur sport and official games transferred to Canadian Heritage.



# National Revenue, Department of

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## General Information

### Roles and Responsibilities

The Department of National Revenue is directly responsible for the administration of Canada's border, international trade and tax policies. In addition, the department is responsible for the delivery of social programs such as the Child Tax Benefit and the GST Credit programs.

Under the direction of the Minister of National Revenue, the department serves Canadians and Canadian businesses through the administration of Customs, Excise and Taxation programs. Historically, the department's clients have had separate dealings with the Customs, Excise and Taxation administrations. However, in the February 1992 Budget, a need was expressed to utilize government resources more effectively and to reduce costs to industry and consumers alike. To achieve these goals, as well as improve the quality of its services and programs, the department launched an initiative in October 1992 to integrate all three areas. The resulting integrated administration will benefit all Canadians through greater departmental efficiency and productivity.

Through its border policy administration, which it also carries out on behalf of other departments or levels of government, the department protects Canadian society from, among other things, the illegal movement of drugs and firearms across the nation's borders.

Its international trade policy administration seeks to ensure that Canadian industry is fairly treated by the wide variety of trade policy instruments which sets the levels of customs duties, import and country of origin requirements, provides for duty relief through remission and drawback programs and remedies for unfair trade practices through anti-dumping and countervailing duties.

The department collects the Goods and Services Tax (GST), excise taxes and excise duties on both domestic transactions and importations. Customs duties, other import levies and, in some cases, provincial sales, alcohol and tobacco taxes are collected at the border. The department collects federal income tax as well as personal and corporate tax on behalf of most provinces, along with employee and employer contributions for the Canada Pension Plan and employee and employer premiums for the Unemployment Insurance Commission. The department also administers the Child Tax Benefit and GST Credit programs which redistributes income to fulfil the government's social policy. In addition, it issues tax credits, incentives and rebates to individuals and businesses.

Through the administration of excise duties, the department exercises a considerable regulatory function, with respect to the tobacco, distilling and brewing industries. The administration of the income tax system, the GST, excise taxes and duty collections process carries with it the responsibility to assess, collect and, where appropriate, refund duties, taxes and levies. Audit, review and adjustment functions are important aspects of the entire tax collection and duty collection process. The development and maintenance of guidelines, policies, strategies, systems and programs for a consistent administration of departmental activities are also major responsibilities.

### Legislative Mandate

The department exists by virtue of the Department of National Revenue Act, which charges the Minister of National Revenue with the control, regulation, management and supervision of internal taxes, including income tax and consumption taxes, as well as customs and excise duties.

The Minister is responsible for the administration of the statutes which fall within the department's legislative mandate, while the Minister of Finance



retains the responsibility for the development of tax policy and legislation in respect of those statutes. Major statutes included in the legal mandate of the Department of National Revenue are:

- Canada Pension Plan, Part I
- Customs Act
- Customs Tariff
- Excise Act
- Excise Tax Act (includes the GST)
- Income Tax Act
- Income Tax Conventions Interpretations Act
- Importation of Intoxicating Liquors Act
- Petroleum and Gas Revenue Tax Act
- Special Import Measures Act
- Unemployment Insurance Act, Parts III and VII

## Administrative Arrangements

There are International Tax Agreements which aim at promoting the exchange of information between treaty partners and at avoiding the double taxation of foreign-earned income by citizens of countries having treaties with Canada.

According to the provisions of Part III of the Federal-Provincial Fiscal Arrangements Act, the department collects income taxes for the provinces under agreements entered into by the Minister of Finance.

The department also administers more than 70 pieces of legislation that pertain mainly to the movement of goods and people across Canada's borders. That legislation comes under the authority of other federal government departments and agencies, notably: the departments of Agriculture and Agri-Food, Health, Industry, Statistics Canada and Transport.

## Initiatives for 1994

### Customs

#### RC-1

##### Electronic Data Interchange

*Accounting for Imported Goods and Payment of Duties Regulations*

Amendments to sections 2, 3, 4, 6, 7 and 9 of the Accounting for Imported Goods and Payment of Duties Regulations will permit importers and brokers who have entered into an agreement with Customs to transmit interim accounting data (release data) electronically, under the release system to Customs offices.

*Reporting of Imported Goods Regulations*

Amendments to section 2, 3, 5 and 12 of the Reporting of Imported Goods Regulations will allow carriers who have entered into an agreement with Customs to transmit electronically cargo data, required under the cargo control system, to Customs offices.

##### *Transportation of Goods Regulations*

An amendment to section 7 of the Transportation of Goods Regulations will permit carriers who have entered into an agreement with Customs to keep their cargo records on magnetic tape or disk format rather than on paper.

These changes will enable importers, brokers or carriers, who have entered into an agreement with Customs and invested in the technology necessary to maintain electronic data interchanges/files to significantly reduce the paper burden normally related to Customs requirements involving cross-border transactions.

**Classification:** Low cost

**Status:** These initiatives appeared in the 1993 Regulatory Plan as initiative numbers RC-CE-2; RC-CE-16 and RC-CE-19.

**Contact:** G. Goatbe, Director, Project Management Division, Commercial Operations Directorate, Department of National Revenue, 17th Floor, Sir Richard Scott Building, 191 Laurier Avenue West, Ottawa, Ontario, K1A 0L5.

Tel. (613) 954-7501; Fax (613) 941-2031.

#### RC-2

##### Optical Disc Technology

##### *Exporters' Records Regulations*

Section 4 of the Exporters' Records Regulations will be amended to allow exporters to maintain their records on electronic media utilizing optical disk technology.

##### *Importers' Records Regulations*

Section 5 of the Importers' Records Regulations will be amended to allow importers to maintain their records on electronic media utilizing optical disk technology.

The implementation of these changes is subject to the development of an acceptable standard by the Canadian General Standards Board. It is anticipated that the standard will be approved by early 1994.

These changes will enable exporters/importers who have invested in the technology necessary to maintain records on optical disk and so significantly reduce the paper burden normally related to record-keeping for Customs purposes.

**Classification:** Low cost

**Status:** These initiatives appeared in the 1993 Regulatory Plan as initiative numbers RC-CE-9 and RC-CE-11.

**Contact:** L. Noble, Director, Inspection and Control Division, Commercial Operations Directorate, Department of National Revenue, 5th Floor, Connaught Building, MacKenzie Avenue, Ottawa, Ontario, K1A 0L5.  
Tel. (613) 954-7056; Fax (613) 952-1698.

### RC-3

#### **Record-keeping requirements**

##### *Customs Bonded Warehouses Regulations*

##### *Duty Free Shop Regulations*

With the coming into force of the Bill C-102 Customs Act amendments, bonded warehouse and duty free shop operators who fail to comply with the terms and conditions under which their warehouse/shop licence was issued, or what is regulated under section 30 of the Customs Act, become subject to administrative penalty assessments in such amounts as may be prescribed, not to exceed one thousand dollars. The current regulations set forth the requirements for record-keeping. The amendments will give operators more detailed direction about the specific records and time limits for transmitting records. Breaching or contravening these record-keeping requirements will give rise to these new sanctions.

It is intended that present procedures and administrative requirements remain the same. Operators will be more certain of what is expected of them with respect to record-keeping. Some may wish to improve their systems to guard against breaches of the requirements and possible penalty assessments.

**Classification:** Intermediate cost

**Status:** These are new initiatives.

**Contact:** For the Customs Bonded Warehouses Regulations: John Kiefl, Chief, Warehouse Licensing Section,

Tel. (613) 954-7191; and

Duty Free Shop Regulations: Susan Spénard, Chief, Duty Free Shop Programs,

Tel. (613) 954-7217, Transportation Division, Commercial Operations Directorate, Department of National Revenue, 5th Floor, Connaught Building, MacKenzie Avenue, Ottawa, Ontario, K1A 0L5.  
Fax (613) 952-1698.

### RC-4

#### **Accounting for Imported Goods and Payment of Duties Regulations**

These regulations set out the accounting and release requirements for all goods imported into

Canada as well as those related to the payment of duties on these goods.

The regulations will be amended to support several initiatives related to the New Business Relationships Initiative and the integration of the revenue portfolio. Some of these initiatives deal with courier, low value shipments, and method of payment of duties and taxes. In addition, other initiatives are currently being developed in consultation with the brokerage and importing community. Amendments to the regulations will be introduced as each initiative is ready to be implemented.

These policy and program initiatives will benefit the community by providing flexibility and improving service.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number RC-CE-1.

**Contact:** L. Noble, Director, Inspection and Control Division, Commercial Operations Directorate, Department of National Revenue, 5th Floor, Connaught Building, MacKenzie Avenue, Ottawa, Ontario, K1A 0L5.

Tel. (613) 954-7056; Fax (613) 952-1698.

### RC-5

#### **Coasting Trade (Customs) Regulations**

The Coasting Trade (Customs) Regulations define the coasting trade of Canada, describe how it shall be regulated and establish procedures for obtaining waivers from the prohibitions set out in the Canada Shipping Act on the use of non-Canadian vessels in the coasting trade. This is accomplished by the establishment of a licensing system for all vessels engaged in the coasting trade and the establishment of procedures for obtaining such licences.

The licensing regime is now contained in the Coasting Trade Act. Consequently, these regulations will be revoked.

The positive impact of revoking these regulations is that Canadian ship operators will no longer require a licence issued by the Minister of National Revenue.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** R. Struthers, Chief, Carrier Control Section, Transportation Division, Commercial Operations Directorate, Department of National Revenue, 5th Floor, Connaught Building, MacKenzie Avenue, Ottawa, Ontario, K1A 0L5.  
Tel. (613) 954-7198; Fax (613) 954-1765.



**RC-6****Customs Sufferance Warehouses Regulations**

These regulations set out the circumstances in which a licence for a sufferance warehouse may be issued, amended, suspended, cancelled or reinstated, the terms and conditions under which licences may be issued and standards for the operation of sufferance warehouses.

Amendments will be made to ensure that licensees receive sufficient information on the grounds for suspension and the opportunity to make representations following the suspension of a licence.

Further amendments will provide that agreements to operate sufferance warehouses restricted to receiving commercial shipments transported by motor vehicle will be of a maximum term of seven years. These agreements will be subject to renewal. This initiative has negligible economic impact. Granting sufferance warehouse operators the right to receive sufficient information on the grounds for suspension of their licence and the opportunity to make representations promotes fairness and openness and fosters the just treatment of warehouse operators.

The initiative of renewals concerning sufferance highway licences encourages competitiveness of the industry by eliminating the monopoly effect and opening up the process to other potential clients.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number RC-CE-5.

**Contact:** J. Kiefl, Chief, Warehouse Licensing Section, Transportation Division, Commercial Operations Directorate, Department of National Revenue, 5th Floor, Connaught Building, MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel. (613) 954-7193; Fax (613) 952-1698.

**RC-7****Customs Sufferance Warehouses Regulations: Refusal of Goods**

These regulations make it a requirement for every licensee to acknowledge the receipt of goods in the sufferance warehouse. The House of Commons Committee, which reviewed the Customs Act, questioned whether sufferance warehouse operators should be required to accept goods from defaulting customers. Subsection 30(i) of the Customs Act allows regulations to be made prescribing the circumstances under which sufferance warehouse operators may refuse goods. The Committee recommended that a regulation be made entitling sufferance warehouse operators, at their option, to refuse goods from defaulting customers.

The amendment will have a positive effect on operators of public sufferance warehouses as they will be able to refuse to store shipments from defaulting clients. This refusal to store goods by the sufferance warehouse operator will create some difficulty for clients in default. These will be required to request release of their shipments at the border or find another sufferance warehouse operator to accept their shipments. It is expected that this new regulation will give sufficient leverage to sufferance warehouse operators to ensure that they are not unduly at risk financially.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number RC-CE-6.

**Contact:** J. Kiefl, Chief, Warehouse Licensing Section, Transportation Division, Commercial Operations Directorate, Department of National Revenue, 5th Floor, Connaught Building, MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel. (613) 954-7193; Fax (613) 952-1698.

**RC-8****Drawback Claims Remission Order**

Once a year, a remission Order is prepared remitting customs duties paid on imported goods that are the subject of drawback claims. The Order allows the department to pay a drawback to Canadian companies that, because of circumstances beyond their control, could not file drawback claims within the prescribed time limit. Generally, the Order applies to a new company or an existing one not previously engaged in export trade, or a company that has manufactured articles in fulfilment of an export order but has been instructed by the foreign purchaser to withhold shipment until a later date.

The Order will be of benefit to claiming Canadian companies by diminishing the effect of certain circumstances beyond their control on their ability to compete in domestic and international markets.

**Classification:** Low cost

**Status:** This is a recurring initiative.

**Contact:** J. Mills, A/Manager, Drawback and Refund Policy Unit, Duties Relief Programs, Tariff Programs Division, Department of National Revenue, 6th Floor, Connaught Building, MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel. (613) 954-6890; Fax (613) 954-9646.

**RC-9****Duties Relief Regulations**

Section 6 of these regulations provides that Canadian goods exported temporarily for repairs, additions or work done abroad be exported under the supervision of a customs officer.

This section will be amended to provide for alternative documentary evidence of exportation of goods to be accepted where it is not practicable for the exporter to export such goods under the supervision of a customs officer.

The amendment will broaden current requirements regarding proof of export, thus assisting importers who wish to request relief of duties under subsection 88(1) of the Customs Tariff.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number RC-CE-8.

**Contact:** D. Hotchkiss, Manager, Remission Policy Unit, Tariff Programs Division, Department of National Revenue, 6th Floor, Connaught Building, MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel. (613) 954-6878; Fax (613) 954-9646.

## RC-10

### **Importation of Motor Vehicle Parts (Codes 2480 and 2485) Regulations**

These regulations will replace the Entry of Motor Vehicle Parts (tariff items 43819-1 and 43824-1) Regulations made under the former Customs Tariff. They will provide relief of duties respecting motor vehicle parts imported under codes 2480, 2481, 2482, 2485, 2486, 2490 and 2491 of Schedule II to the Customs Tariff and thereby reflect the enabling provisions and terminology of the new Tariff.

This initiative will not have a significant impact on either importers or consumers as the proposed regulations will be similar to the Entry of Motor Vehicle Parts (tariff items 43819-1 and 43824-1) Regulations.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number RC-CE-10.

**Contact:** R. Dods, Manager, Unit 4A, Industrial and Consumer Products, Tariff Programs Division, Department of National Revenue, 6th Floor, Connaught Building, Mackenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel. (613) 954-7028; Fax (613) 954-9646.

## RC-11

### **Regulations Concerning the Non-Resident Customs Accounting Program**

Under this program, first announced on February 12, 1992, by the Minister of Finance and the Minister of National Revenue, qualified non-resident mail-order firms will be given the option of remitting directly to the Canadian government duties and taxes owed on their exports to Canada. This program will apply to low value goods exported to Canada as mail or by courier.

To implement the program, new regulations will be made to authorize some non-resident exporters to account for such goods and pay the applicable duties and taxes in lieu of the importer. These regulations will set out the conditions to be met by a non-resident exporter before an authorization is granted, the ensuing obligations and responsibilities, the manner of accounting for the goods and the requirements with respect to the payment of duties. The regulatory framework required to support this initiative also includes amendments to the following regulations: Fees in Respect of Mail Regulations, Accounting for Imported Goods and Payment of Duties Regulations, and Proof of Origin Regulations. Under the program, all costs associated with the assessment, collection and remittance of these duties and taxes will be the responsibility of the non-resident exporter; therefore, goods imported by courier and goods imported as mail will be accounted for by the exporter; goods imported as mail will be exempt the \$5.00 postal handling fee. Duties and taxes will be collected in a more cost-efficient manner, as the department will receive them directly from those exporters registered under the proposed regulations.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Fred Light, Director, Postal, Courier and LVS Division, Commercial Operations Directorate, Department of National Revenue, 5th Floor, Connaught Building, MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel. (613) 954-7130; Fax (613) 952-1698.

## RC-12

### **Remission Orders Concerning Charitable Goods and Official Uniform Dress of Militia**

The Charitable Goods and Official Uniform Dress of Militia Remission Order will be revoked and replaced by two new orders. The current Order provides relief of customs duties and excise taxes on imported goods donated to charitable organizations.

The proposed Charitable Goods Remission Order will provide similar relief, and will also set out specific conditions for the remission and establish record-keeping requirements. This will permit improved administration of the Order.

The proposed Official Uniform Dress and Accoutrement of Primary Reserves Remission Order will provide relief of customs duties under the same terms and conditions as under the existing Order. Minor changes to terminology will be made to ensure consistency with current usage.



These changes will allow for relief claims to be addressed through improved administrative and control procedures.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number RC-CE-14.

**Contact:** D. Hotchkiss, Manager, Remission Policy Unit, Tariff Programs Division, Department of National Revenue, 6th Floor, Connaught Building, MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel. (613) 954-6878; Fax (613) 954-9646.

#### RC-13

##### **Reporting of Imported Mail and Courier Items**

The Customs Act now contains a provision in subsection 12(3)(a.1) which makes the exporter responsible to report goods imported as mail or by courier. Regulations will be developed to prescribe the time and manner of report for these types of importations.

For mail items, foreign exporters will not incur any new costs as they are currently required to provide a Customs declaration on the outside of parcels. To meet the reporting requirement, foreign exporters of courier shipments might face increased costs.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Fred Light, Director, Postal, Courier and LVS Division, Commercial Operations Directorate, Department of National Revenue, 5th Floor, Connaught Building, MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel. (613) 954-7130; Fax (613) 952-1698.

#### RC-14

##### **Temporary Importation Remission Orders**

Each year, remission is granted, retroactively, of a portion of the customs duties and Goods and Services Tax paid or payable on certain goods required temporarily in Canada.

These orders allow Canadian industries to produce goods and provide services in more cost-effective, and therefore more competitive, manner. They also reduce the administrative and financial burden on those industries and the department by removing the requirement to obtain legislative authority for individual cases.

**Classification:** Low cost

**Status:** This is a recurring initiative.

**Contact:** D. Hotchkiss, Manager, Remission Policy Unit, Tariff Programs Division, Department of National Revenue, 6th Floor, Connaught Building, MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel. (613) 954-6878; Fax (613) 954-9646.

#### RC-15

##### **Used Motor Vehicle Exemption Regulations**

Generally, used or second-hand motor vehicles have to be 15 years or older before they are exempt from the prohibitory terms of Code 9963 of Schedule VII to the Customs Tariff and can be imported into Canada. Although the age restriction on motor vehicles imported from the United States was eliminated on January 1, 1993, under the terms of the Canada-United States Free Trade Agreement, the 15-year age restriction still applies to motor vehicles imported from other countries.

Every year, requests for exemption from the prohibition are made by individuals wishing to import vehicles. These requests are reviewed by departmental officials on a case-by-case basis. Because of special circumstances surrounding given cases, the Minister may recommend that regulations be made exempting certain vehicles which are not already exempted by the existing Used or Second-Hand Motor Vehicle Regulations.

As the number of vehicles exempted from the prohibition each year is relatively small, there will be no impact on either the Canadian new or used motor vehicle industries.

**Classification:** Low cost

**Status:** This is a recurring initiative.

**Contact:** R. Dods, Manager, Unit 4A, Industrial and Consumer Products, Tariff Programs Division, Department of National Revenue, 6th Floor, Connaught Building, MacKenzie Avenue, Ottawa, Ontario, K1A 0L5. Tel. (613) 954-7028; Fax (613) 954-9646.

#### RC-16

##### **Duty Free Shop Regulations**

Licensed duty free shop operators are authorized to stock and sell for export, goods free of duties and taxes to persons who are about to leave Canada. The regulations outline the application, licensing procedures, requirements and conditions under which the duty free shop must operate.

The regulations authorize the Minister to issue a licence to an airport owned by Her Majesty in Right of Canada and operated by the Minister of Transport or any designated airport authority within the meaning of the Airport Transfer (Miscellaneous Matters) Act. The regulations will be amended to authorize the Minister to issue a duty free shop licence to other types of airports.

This policy and program initiative will allow communities and others who manage federal airports to benefit from the establishment of a duty free shop.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Susan Spénard, Chief, Duty Free Shop Programs, Transportation Division, Department of National Revenue, Ottawa, Ontario, K1A 0L5.  
Tel. (613) 954-7217; Fax (613) 952-1698.

## **Excise Duties and Taxes**

### **RC-17**

#### **Brewery Regulations**

These regulations prescribe conditions pertaining to the production period, the refunds on destroyed beer, the loss allowance, the information on containers, the export of beer and the payment of duties as applicable.

The regulations will be modified to amend the requirement for a brewer to notify the Minister in advance of a change in the "production day"; to simplify the wording in the section that deals with loss allowance and outlines the basis for calculating allowable loss, and to allow for deferral of the payment of small amounts of duty.

These amendments will reduce the compliance burden on the licensee and ease the department's administrative and revenue collection costs. This will benefit the industry and the department.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** B. Anderson, Project Officer, Excise Duties and Taxes, Legislative and Regulatory Affairs, Department of National Revenue, Place Vanier, Tower A, 3rd Floor, 333 River Road, Ottawa, Ontario, K1A 0L5.  
Tel. (613) 957-7593; Fax (613) 954-2226.

### **RC-18**

#### **Brewery Departmental Regulations**

These regulations prescribe the conditions for determining quantities of beer produced, computing duty payable and refunding duty paid.

The regulations will be modified to allow brewers to use public accountants to conduct the required inventory counts; to expand the section dealing with particulars to be recorded to include credits taken from Excise Duty payments, and to amend the wording of the section dealing with regulatory requirements to align with information provided on the return.

The proposed changes will reduce the compliance burden on the licensee and ease the department's administrative and revenue collection costs. This will benefit both the industry and the department.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number RC-CE-21.

**Contact:** B. Anderson, Project Officer, Excise Duties and Taxes, Legislative and Regulatory Affairs, Department of National Revenue, Place Vanier, Tower A, 3rd Floor, 333 River Road, Ottawa, Ontario, K1A 0L5.

Tel. (613) 957-7593; Fax (613) 954-2226.

### **RC-19**

#### **Departmental Alcohol Determination Regulations**

These regulations prescribe the methods for determining quantities of absolute ethyl alcohol in beverage and industrial alcohol. They also set out specifications for instruments to be used and state the amounts to be charged for examining instruments and supplying books of alcoholometric tables.

These regulations will be amended to include new instrumentation and methods for the determination of absolute alcohol content to be used in the calculation of excise duty liability.

The amendment will allow the industry to take advantage of modern technology and equipment and become more competitive. Promoting administrative guidelines instead of regulatory control will benefit both industry and the department by allowing them to operate more efficiently and reduce costs.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** E. Porter, Project Officer, Excise Duties and Taxes, Legislative and Regulatory Affairs, Department of National Revenue, Place Vanier, Tower A, 3rd Floor, 333 River Road, Ottawa, Ontario, K1A 0L5.  
Tel. (613) 957-6719; Fax (613) 954-2226.

### **RC-20**

#### **Distillery Regulations**

These regulations prescribe the conditions for the colouring of pipelines, blending, bottling, distillation and re-distillation of domestic spirits and the affixing of age strip stamps to certain products.

The regulations will be modified to amend the section to provide for the retention of age claims on redistilled spirits; to eliminate the colour requirements for all pipes in a distillery except those used to convey spirits or beer, and to allow deferral of the payment of small amounts of duty.

By easing the compliance burden, the amendments will allow the industry to operate with greater flexibility and reduce the department's administrative costs.

**Classification:** Low cost



**Status:** This is a new initiative.

**Contact:** C. Turner, Program Officer, Excise Duties and Taxes, Legislative and Regulatory Affairs, Department of National Revenue, Place Vanier, Tower A, 3rd Floor, 333 River Road, Ottawa, Ontario, K1A 0L5.

Tel. (613) 957-1987; Fax (613) 954-2226.

## RC-21

### **Distillery Departmental Regulations**

These regulations prescribe the conditions for determining quantities of spirits produced and for the use of domestic and imported blending material. They also set out the particulars to be recorded in the distillers' daily books and records.

The regulations will be modified to allow distillers to use the services of public accountants to conduct required inventory counts; to incorporate the record-keeping requirements currently set out in Section 8 of the Denatured Alcohol Regulations, which are being revoked; to amend the provision for a free credit entry of duty paid on spirits or spirit coolers returned to in-bond stock at the rate of duty originally paid; to include other licensees who handle spirits, i.e. excise bonding warehouses and distillers other than the original distiller; to simplify the wording under the section dealing with operations requiring supervision; to revoke the section dealing with the in-bond removal of spirits in barrels in unsealed vans or railway cars; this practice is no longer followed, and to amend the wording of the section to align the regulatory requirements with information provided on the return.

By easing the compliance burden, the amendments will allow the industry to operate with greater flexibility, take advantage of the export market, and reduce the department's administrative costs.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number RC-CE-22.

**Contact:** T.S. Closs, Project Officer, Excise Duties and Taxes, Legislative and Regulatory Affairs, Department of National Revenue, Place Vanier, Tower A, 3rd Floor, 333 River Road, Ottawa, Ontario, K1A 0L5.

Tel. (613) 954-6718; Fax (613) 954-2226.

## RC-22

### **Excise Warehousing Regulations**

These regulations prescribe the conditions for storage and security of goods in a bonding warehouse and also prohibit the removal of spirits from a distillery or warehouse unless authorized by the licensee.

The regulations will be modified to revoke the section describing the arrangement of tobacco products on licensed premises; to amend the wording to include new licensees in the section dealing with the security of bonding warehouses, and to allow deferral of the payment of small amounts of duty.

By easing the compliance burden, this amendment will allow the industry to operate with greater flexibility and reduce the department's administrative costs.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** T.S. Closs, Project Officer, Excise Duties and Taxes, Legislative and Regulatory Affairs, Department of National Revenue, Place Vanier, Tower A, 3rd Floor, 333 River Road, Ottawa, Ontario, K1A 0L5.

Tel. (613) 954-6718; Fax (613) 954-2226.

## RC-23

### **Excise Warehousing Departmental Regulations**

These regulations prescribe the conditions for the transfer of goods in bond; the return of exported goods to in bond status; the record-keeping requirements for bonding warehouse operators; and the release of goods, duty free, to specified persons such as diplomats.

The regulations will be modified to allow services of public accountants to conduct required inventory counts; to amend the period for removing goods in bond from 30 days to 60 days to give licensees more time to complete documentation supporting the transfer of goods; to review the wording regarding authorized destinations for goods shipped in bond; to revoke the requirements that carriers transporting spirits be bonded; to consolidate sections regarding documentation requirements for the removal of goods in bond; to eliminate the minimum quantity requirement for the removal of spirits from a bonding warehouse and provide for the accumulation of small amounts of duty for payment at a later date; to revoke the requirement that the Regional Director provide authority to return exported goods to in bond stock, and to amend the wording of the section to align the regulatory requirements with information provided on the return.

The proposed changes will reduce the compliance burden on the licensees, help the industry become more competitive and will ease the industry's and department's administrative costs.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** T.S. Closs, Project Officer, Excise Duties and Taxes, Legislative and Regulatory Affairs,

Department of National Revenue, Place Vanier,  
Tower A, 3rd Floor, 333 River Road, Ottawa,  
Ontario, K1A 0L5.  
Tel. (613) 954-6718; Fax (613) 954-2226.

#### RC-24

##### **Manufacturers In Bond Regulations**

These regulations prescribe the conditions for determining quantities taken for use, abatements for deficiencies, and drawbacks on goods exported. They also set out record-keeping requirements. These regulations specify the categories of goods that may be manufactured by a bonded manufacturer as well as the requirement that a formula be submitted and approved for each proposed product.

The regulations will be modified to allow the expansion of product categories to permit the inclusion of new products; to allow additional specific goods to be listed, based on definitions described in the new product classification section; to repeal the section requiring that a formula card be sent to the Minister for approval and replace it with an administrative procedure controlled by the Customs and Excise Laboratory; to revoke the sections dealing with specifications for vanillin solutions, vanilla extract and other extracts, and to revoke the requirement to submit certain documentation for restricted preparations and replace with an administrative procedure.

The proposed changes will expand product classification to allow for new products. This will help industry create a competitive environment. Eliminating the filing of certain reports and promoting administrative guidelines instead of regulatory control will allow industry and the department to become more efficient and reduce costs.

*Classification:* Low cost

*Status:* This is a new initiative.

*Contact:* C. Turner, Project Officer, Excise Duties and Taxes, Legislative and Regulatory Affairs, Department of National Revenue, Place Vanier, Tower A, 3rd Floor, 333 River Road, Ottawa, Ontario, K1A 0L5.  
Tel. (613) 957-1987; Fax (613) 954-2226.

#### RC-25

##### **Manufacturers In Bond Departmental Regulations**

These regulations set out the administrative requirements for bonded manufacturers. These include the supervision of certain operations by officers and the determination of the quantity of spirits taken for use. In addition, the regulations

provide for an abatement of duties for deficiencies and a drawback of duties when goods are exported. The regulations also set out requirements for record-keeping and for annual returns to be submitted.

The regulations will be modified to allow manufacturers in bond to use the services of public accountants to conduct required inventory counts, and to amend the wording of the section dealing with regulatory requirements to align with information provided on the return.

By easing the compliance burden, the amendments will allow the industry to operate with greater flexibility and reduce the department's administrative costs.

*Classification:* Low cost

*Status:* This initiative appeared in the 1993 Regulatory Plan as initiative number RC-CE-25.

*Contact:* B. Anderson, Project Officer, Excise Duties and Taxes, Legislative and Regulatory Affairs, Department of National Revenue, Place Vanier, Tower A, 3rd Floor, 333 River Road, Ottawa, Ontario, K1A 0L5.  
Tel. (613) 957-7593; Fax (613) 954-2226.

#### RC-26

##### **Specially Denatured Alcohol (Domestic) Regulations**

These regulations replace the Denatured Alcohol Regulations. They prescribe the conditions under which Specially Denatured Alcohol (SDA) may be manufactured and used. SDA consists of ethyl alcohol which, when mixed in specified proportions with approved special denaturants, is exempt of excise duty. These regulations ensure that the SDA is not diverted and used as, or in, the production of beverage alcohol for which duty is payable.

This initiative increases the number of SDA grades from 14 to 26 and expands the approved end uses to allow Canadian producers to be more competitive in both the domestic and export markets.

*Classification:* Low cost

*Status:* This initiative appeared in the 1993 Regulatory Plan as initiative number RC-CE-30.

*Contact:* E. Porter, Project Officer, Excise Duties and Taxes, Legislative and Regulatory Affairs, Department of National Revenue, Place Vanier, Tower A, 3rd Floor, 333 River Road, Ottawa, Ontario, K1A 0L5.  
Tel. (613) 957-6719; Fax (613) 954-2226.



## RC-27

**Tobacco Regulations**

These regulations define "complete manufacture" and prescribe the conditions for marking containers, warehousing and paying duty.

The regulation describing revenue payments will be amended to allow for the deferral of the payment of small amounts of duty. By easing the compliance burden, the amendment will allow the industry to operate with greater flexibility and reduce the department's administrative costs.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** E. Porter, Project Officer, Excise Duties and Taxes, Legislative and Regulatory Affairs, Department of National Revenue, Place Vanier, Tower A, 3rd Floor, 333 River Road, Ottawa, Ontario, K1A 0L5.  
Tel. (613) 957-6719; Fax (613) 954-2226.

## RC-28

**Tobacco Departmental Regulations**

These regulations prescribe the conditions for the handling, processing and labelling of tobacco products, and set out requirements regarding record-keeping.

The regulations will be modified to allow tobacco products manufacturers to use the services of public accountants to conduct the required inventory counts; to review the wording in the sections dealing with shipping for consumption of raw leaf tobacco; to review the requirement that the name of the shipper be shown on containers for export; to amend the wording of the section dealing with regulatory requirements to align with information provided on the return.

These amendments will allow the industry to operate with greater flexibility, facilitate the legal importation of tobacco by individuals and ease the department's administrative and revenue collection costs.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number RC-CE-31.

**Contact:** E. Porter, Project Officer, Excise Duties and Taxes, Legislative and Regulatory Affairs, Department of National Revenue, Place Vanier, Tower A, 3rd Floor, 333 River Road, Ottawa, Ontario, K1A 0L5.  
Tel. (613) 957-6719; Fax (613) 954-2226.

**Excise Tax/GST**

## RC-29

**Omnibus Amendment Order**

This Order, which will be developed to give effect to the recommendations stemming from the recent department-wide regulatory review, will make minor housekeeping changes to two regulations. The Formula Refunds Regulations determine the manner of calculating the amount of deduction, refund or payment in situations where there is insufficient information to determine the exact amount of federal sales or excise tax. The Goods for Ships and Aircraft (Excise) Drawback Regulations set the parameters for claiming sales and excise taxes on goods supplied to ships and aircraft proceeding on international voyages.

The changes to be made to both regulations will include the elimination of obsolete references to the former federal sales tax and the correction of certain references to sections of the Excise Tax Act. This order will not result in any policy changes.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Steve Mosher, Legislation Officer, Legislation and Regulations, Department of National Revenue, 25 McArthur Avenue, Vanier, Ontario, K1A 0L5.  
Tel. (613) 954-3553; Fax (613) 954-1811.

## RC-30

**Omnibus Revocation Order**

This Order, which will be developed to give effect to recommendations stemming from the recent department-wide regulatory review, will revoke 13 regulations that were made under various provisions of Parts II.1 and VI of the Excise Tax Act and which were rendered obsolete upon the implementation of the Goods and Services Tax on January 1, 1991. Those regulations are listed below:

- Aids to the Mobility of the Disabled Regulations
- Clothing and Footwear Determination Regulations
- Construction Materials Sales Tax Regulations
- Equipment for Buildings Sales Tax Regulations
- Erection and Installation Costs Regulations
- Gross Vehicle Mass Rating Regulations, 1987
- Passenger Transportation Services Exemption Regulations
- Registered Vendor Certificate Regulations
- Sales Tax Bulk Permit Regulations
- Sales Tax Transportation Allowance Regulations
- Ships and Other Marine Vessels Exemption Regulations
- Small Manufacturers and Producers Production Equipment Refund Regulations

- Telecommunication Programming Services Tax Regulations

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Steve Mosher, Legislation Officer, Legislation and Regulations, Department of National Revenue, 25 McArthur Avenue, Vanier, Ontario, K1A 0L5.

Tel. (613) 954-3553; Fax (613) 954-1811.

## RC-31

### **General Excise and Sales Tax Regulations**

The current General Excise and Sales Tax Regulations outline the rules applicable to the licensing of manufacturers and wholesalers for the purposes of federal sales and excise taxes, the licensing exemption for small manufacturers, the security to be given by licensed wholesalers, and to returns and payments. They also set the rules governing the documentation of exported goods for which sales or excise taxes have been paid and which are subject to rebate or deduction.

These regulations will be renamed and substantially amended, in order to eliminate all obsolete provisions and references to federal sales tax. Most of the remaining provisions will be altered to correct references to various sections of the Excise Tax Act and to effect other housekeeping changes. The regulations will also be revised to incorporate an additional exemption that is now covered in the Small Manufacturers or Producers Exemption Regulations, which are scheduled for revocation. Since all of the modifications being contemplated under this amendment are essentially housekeeping in nature, they will require no policy changes.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Steve Mosher, Legislation Officer, Legislation and Regulations, Department of National Revenue, 25 McArthur Avenue, Vanier, Ontario, K1A 0L5.

Tel. (613) 954-3553; Fax (613) 954-1811.

## RC-32

### **Gasoline and Aviation Gasoline Excise Tax Application Regulations**

In accordance with recommendations stemming from the recent department-wide regulatory review, the existing Gasoline and Aviation Gasoline Excise Tax Application Regulations will be revised and renamed. When the GST was implemented on January 1, 1991, the Excise Tax Act provisions pertaining to rebates of gasoline and aviation gasoline were substantially revised. As part of those revisions, excise tax rebates for aviation gasoline

were eliminated, while the eligibility for excise tax rebates on gasoline was limited to a few groups of claimants who are named in the legislation. It is necessary that the regulations be amended to incorporate these changes.

The revised regulations will also incorporate a few minor housekeeping changes, in order to reflect the current provisions of the Excise Tax Act. In addition, they will be changed to reflect current administrative practice by eliminating the requirement for an individual applicant to provide his or her social insurance number on an application for rebate of the excise tax on gasoline.

This revision to the regulations will require no policy changes.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Steve Mosher, Legislation Officer, Legislation and Regulations, Department of National Revenue, 25 McArthur Avenue, Vanier, Ontario, K1A 0L5.

Tel. (613) 954-3553; Fax (613) 954-1811.

## RC-33

### **Gasoline and Aviation Gasoline Excise Tax Regulations**

In accordance with recommendations stemming from the recent department-wide regulatory review, the existing Gasoline and Aviation Gasoline Excise Tax Regulations will be revised and renamed. When the GST was implemented on January 1, 1991, the Excise Tax Act provisions pertaining to rebates of gasoline and aviation gasoline were substantially revised. Accordingly, excise tax rebates for aviation gasoline were eliminated, while the eligibility for excise tax rebates on gasoline was limited to a few groups of claimants who are named in the legislation. The legislative provisions for the issuance of bulk permits for gasoline and aviation gasoline were also revoked at that time.

The revised regulations will reflect these legislative changes, will eliminate a number of obsolete provisions and will otherwise make several corrections to the references to sections of the Excise Tax Act. However, no changes in policy or to current administrative practices will be required as a result of this revision.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Steve Mosher, Legislation Officer, Legislation and Regulations, Department of National Revenue, 25 McArthur Avenue, Vanier, Ontario, K1A 0L5.

Tel. (613) 954-3553; Fax (613) 954-1811.



## RC-34

**Small Manufacturers or Producers Exemption Regulations**

At present, these regulations name the classes of manufacturers or producers who are exempt from paying sales tax on their sales of goods of their manufacture or production. The regulations are no longer relevant for purposes of the federal sales tax, which was replaced by the GST in 1991.

Although the regulations continue to have application for excise tax purposes, it will be possible to provide comparable relief through amendments to another regulation: the General Sales and Excise Tax Regulations. Accordingly, following the enactment of amendments to the latter regulations, the Small Manufacturers or Producers Exemption Regulations will be revoked.

There will be no requirement to revise current policy or administrative practices as a result of these changes.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Steve Mosher, Legislation Officer, Legislation and Regulations, Department of National Revenue, 25 McArthur Avenue, Vanier, Ontario, K1A 0L5.

Tel. (613) 954-3553; Fax (613) 954-1811.

**Taxation**

## RC-35

**Income Tax Regulations**

Amendments to part I and schedule I of the regulations will change federal-provincial sharing of source deductions on wages and salaries and source deduction tables for employers to reflect indexing and federal/provincial budget changes.

Amendments to part II of the regulations will require information returns to be filed by a described class of persons in certain circumstances. The amendments will reflect amendments to the Income Tax Act (Act) and those classes of persons and circumstances which have been identified by this department as requiring the filing of information returns in order to enhance the effective administration of the Act. As a result of the department's regulatory review project, further amendments may be made to no longer require reporting when there are no tax consequences or where the information is reported elsewhere.

Amendments to part VI of the regulations will list additional provisions of the Income Tax Act in respect of which late, amended or revoked elections may be made.

Amendments to parts X, XV and XXI of the regulations will revoke the manner of making elections.

Amendments to part XXX will list additional provincial laws in respect of which this department may communicate income tax information to provincial governments.

Schedule VIII to the regulations listing the universities outside Canada, donations to which are deductible for income tax purposes, will be amended to add additional universities which have been found to meet the requirement contained in the Act or to reflect a change in the name of a listed university.

The impact of the amendments to part I and schedule I cannot be determined at this time. Amendments to parts II, X, XV, XXI and XXX are administrative in nature. The part II amendments will have a paper burden impact, both to reduce it for amendments which will eliminate unnecessary reporting and increase it for provisions which require new reporting of financial transactions. The amendments to part VI and schedule VIII are relieving in nature, but the impact cannot be determined at this time.

**Classification:** Low cost to Intermediate cost

**Status:** The parts X, XV and XXI amendments appeared in the 1993 Federal Regulatory Plan as initiative number RCT-1. The other projects are recurring initiatives.

**Contact:** D.C. Burnett, Senior Policy Analyst, Current Amendments and Regulations Division, Department of National Revenue, 123 Slater Street, Room 1005, Ottawa, Ontario, K1P 5H2.  
Tel. (613) 957-2076; Fax (613) 954-0896.

## RC-36

**Canada Pension Plan Regulations**

These amendments to the regulations will set out the maximum contributions which can be made annually and the annual basic exemption. The amendments reflect the inflationary increase in salaries and wages as reflected by the Industrial Aggregate in Canada. These amendments will be prepared in consultation with the Department of Human Resources and Labour. Amendments to schedule I of the regulations which provides source deduction tables for employers are based on the revised maximum contributions and basic exemption. Amendments to schedule II will make the penalty provisions for non-compliance with deducting and remitting provisions the same as under the Income Tax Act.

Amendments to schedule IV of the regulations which sets out the list of types of employment by the

government of a province that are excluded from pensionable employment will reflect requests received from the governments of the provinces. Amendments to schedules V to IX to the regulations will reflect international agreements between the government of Canada and international organizations or the governments of other countries. The agreements affecting schedules V to VIII provide that certain employees in Canada of the international organizations or the other countries' governments are employed in exempt employment for the purposes of the Canada Pension Plan. The agreements affecting schedule IX provide that certain employees in Canada of other countries' governments are employed in pensionable employment for the purposes of the Canada Pension Plan.

The precise impact of the amendments cannot be determined at this time but generally they will result in increased contributions. The figures necessary to set the revised maximum contributions and basic exemption are not available at this time.

**Classification:** Low cost

**Status:** This is a recurring initiative.

**Contact:** D.C. Burnett, Senior Policy Analyst, Current Amendments and Regulations Division, Department of National Revenue, 123 Slater Street, Room 1005, Ottawa, Ontario, K1P 5H2. Tel. (613) 957-2076; Fax (613) 954-0896.

## RC-37

### **Unemployment Insurance – Collection of Premiums**

These amendments to the regulations are necessary to reflect changes in the Unemployment Insurance Act and jurisprudence; to coordinate the policies of this department with those of the Department of Human Resources and Labour concerning the recording of earnings and the determination of insurable earnings and to simplify and clarify the regulations to achieve uniformity of interpretation. Amendments to the schedule to the regulations are required to change source deduction tables for employers to reflect revised insurable earnings and premium rates as determined in accordance with the Unemployment Insurance Act.

The impact from revised insurable earnings and premium rates cannot be determined since these figures are not available at this time.

As a result of the department's regulatory review project, amendments will be prepared so that the penalty provisions for failure to deduct or remit the amounts due are the same as under the Income Tax Act. Also, obsolete or redundant provisions such as

parts V, XII, XIII and XIV will be revoked. This will have a minimal impact.

**Classification:** Low cost

**Status:** This is a recurring initiative.

**Contact:** D.C. Burnett, Senior Policy Analyst, Current Amendments and Regulations Division, Department of National Revenue, 123 Slater Street, Room 1005, Ottawa, Ontario, K1P 5H2. Tel. (613) 957-2076; Fax (613) 954-0896.

## RC-38

### **Advance Taxation Rulings Fees Order**

These amendments will revise the hourly fees which will be charged for the preparation of "advance rulings". The revised hourly rates will be in accordance with the government's policy of cost recovery from users of government services. Taxpayer, seeking "advance rulings" will pay higher fees. The amendments will allow the department to recover the increased cost of processing advance rulings requests and is in keeping with the government's program of cost recovery.

**Classification:** Intermediate cost

**Status:** This is a recurring initiative.

**Contact:** T.R. Fowler, Resource Management Directorate, Department of National Revenue, 88 Metcalfe Street, Room 602, Ottawa, Ontario, K1P 5L7. Tel. (613) 957-7341; Fax (613) 957-7594.

## RC-39

### **Taxation Statistical Analyses and Data Processing Services Fees Order**

These amendments will revise the fees to be charged for special services provided by this department. The revised fees will be based on a cost recovery calculation approved by Treasury Board.

The services to be provided consist of the use of computers and related services to offer specialized analyses of taxation data, not otherwise available, to provincial governments, other public authorities, educational institutions and private consultants. The analyses provided will not contravene the confidentiality provisions of the Income Tax Act.

The amount of the revised fees cannot be determined at this time. The fees will be established in accordance with the government's policy of cost recovery.

**Classification:** Intermediate cost

**Status:** This is a recurring initiative.

**Contact:** T.R. Fowler, Resource Management Directorate, Department of National Revenue, 88 Metcalfe Street, Room 602, Ottawa, Ontario,



K1P 5L7.

Tel. (613) 957-7341; Fax (613) 957-7594.

#### RC-40

##### **Registered Charities Information Return Fee Order**

These amendments will revise the fees to be charged for making photocopies of charitable organizations' returns for external users. The revised fees will be based on a cost recovery calculation approved by Treasury Board. This department receives requests for photocopies of charitable organizations' returns from provincial authorities, educational institutions and other interested parties. Subsection 149.1(15) of the Income Tax Act provides that this information may be given to the public and does not contravene the confidentiality provisions of that Act.

The amount of the revised fees cannot be determined at this time. The fees will be established in accordance with the government's policy of cost recovery.

*Classification:* Intermediate cost

*Status:* This is a recurring initiative.

*Contact:* T.R. Fowler, Resource Management Directorate, Department of National Revenue, 88 Metcalfe Street, Room 602, Ottawa, Ontario, K1P 5L7.

Tel. (613) 957-7341; Fax (613) 957-7594.

#### RC-41

##### **Revenue Canada Fee Order for the Registration of Charitable Organizations**

This initiative proposes to establish a fee by Ministerial Order for the registration of charitable organizations and foundations.

The amount of the fee cannot be determined at this time but will be in accordance with the government's policy of cost recovery from users of government services.

*Classification:* Intermediate cost

*Status:* This is a new initiative.

*Contact:* T.R. Fowler, Resource Management Directorate, Department of National Revenue, 88 Metcalfe Street, Room 602, Ottawa, Ontario, K1P 5L7.

Tel. (613) 957-7341; Fax (613) 957-7594.

#### RC-42

##### **Revenue Canada Taxation Technical Publication Subscription Service Fees Order**

These amendments will revise by Ministerial Order the subscription fees charged for the service of automatically mailing publications issued by the department regarding income tax matters

(Interpretation Bulletins, Information Circulars and Income Tax Rulings).

The amount of revised rates cannot be determined at this time but will be in accordance with the government's policy of cost recovery from users of government services. Fees for a one- and two-year subscription, as well as for a complete set of current publications will be amended.

*Classification:* Intermediate cost

*Status:* This is a new initiative.

*Contact:* T.R. Fowler, Resource Management Directorate, Department of National Revenue, 88 Metcalfe Street, Room 602, Ottawa, Ontario, K1P 5L7.

Tel. (613) 957-7341; Fax (613) 957-7594.

#### RC-43

##### **Specimen Plan and Registered Investment Examination Fee Order**

This initiative proposes to establish a fee by Ministerial Order for the approval of specimen plans for Registered Retirement Savings Plans, Registered Retirement Income Funds and for the registration of Registered Investments.

The amount of the fee cannot be determined at this time but will be in accordance with the government's policy of cost recovery from users of government services.

*Classification:* Intermediate cost

*Status:* This is a new initiative.

*Contact:* T.R. Fowler, Resource Management Directorate, Department of National Revenue, 88 Metcalfe Street, Room 602, Ottawa, Ontario, K1P 5L7.

Tel. (613) 957-7341; Fax (613) 957-7594.

#### RC-44

##### **Revenue Canada Electronic Bulletin Board Fee Order**

This initiative proposes to establish a fee by Ministerial Order for access to an electronic bulletin board facility which would provide departmental public forms and publications in electronic format to firms involved in the income tax industry.

The amount of the fee cannot be determined at this time but will be in accordance with the government's policy of cost recovery from users of government services.

*Classification:* Intermediate cost

*Status:* This is a new initiative.

*Contact:* T.R. Fowler, Resource Management Directorate, Department of National Revenue, 88 Metcalfe Street, Room 602, Ottawa, Ontario,

K1P 5L7.

Tel. (613) 957-7341; Fax (613) 957-7594.

## **Miscellaneous**

RC-45

### **Tobacco Related Amendments: Customs and Excise Legislation**

The passing of Bill C-102 to amend the Customs Tariff, the Excise Act, the Excise Tax Act, the Customs Act and the Criminal Code has created the enabling authority for amendments which will be made to various regulations and orders.

New regulations will also be developed.

Amendments to the Customs Bonded Warehouses and Customs Sufferance Warehouses and Ships' Stores Regulations will create conditions governing the sale, storage and transfer of tobacco products. In the Refund of Duties Regulations, the refund of duties imposed under section 20 of the Customs Tariff on tobacco products will not occur unless the imported tobacco products have been destroyed under Customs control. Amendments to regulations and Orders made under Chapter 98 of Schedule I to the Customs Tariff will restrict the quantity of tobacco that may be imported by an individual as well as setting age limits for such an importer.

New marking requirements for tobacco products on which excise duties have not been paid are being introduced in the Tobacco Regulations. These markings will identify those products destined for sale in the domestic duty-free market or for export. As a result, the public, retailers and law enforcement agencies will distinguish between duty paid and contraband products. It is anticipated that these provisions will assist in reducing the incidence of tobacco smuggling and the illegal diversion of tobacco products. The requirements for a tobacco stamp to be placed on duty paid products as well as exemptions for certain importations are set out in the Tobacco Departmental Regulations.

The Excise Tax Act has been amended to provide for a tax on tobacco products that are exported or sold in duty-free shops. New regulations will be developed setting out the exemptions from the tax and existing regulations and Orders will be amended as necessary to reflect the changes to the Act.

The new enabling authorities, their accompanying amendments and previously announced measures will limit to a considerable extent, opportunities for tax evasion resulting from the improper distribution and sale of duty-free tobacco products. By costing criminal elements of society their illicit profits, these amendments will benefit Canadian taxpayers. The costs to be faced by legitimate tobacco product

distributors, when adjusting their control processes, will be limited.

**Classification:** Major

**Status:** This is a new initiative.

**Contact:** For matters pertaining to Customs legislation: P. Girard, Director, Legislative Affairs Division, Department of National Revenue, 3rd Floor, Connaught Building, MacKenzie Avenue, Ottawa, Ontario, K1A 0L5.

Tel. (613) 954-6950; Fax (613) 952-2093.

For matters pertaining to the Excise Duty and Tax Legislation: D.K. Hudson, Director, Legislative and Regulatory Affairs, Department of National Revenue, Place Vanier, Tower A, 3rd Floor, 333 River Road, Ottawa, Ontario, K1A 0L5.

Tel. (613) 952-5323; Fax (613) 954-2226.

RC-46

### **Amendments to Regulations and Orders Pursuant to Customs, Excise and Taxation Legislation**

Throughout the year, the department receives representations from various interested organizations and associations regarding the regulations it administers. Their representations may result in amendments to the regulations.

As the economic or policy impact of such initiatives is not known, a classification with respect to future costs cannot be made at this time.

**Classification:** Low cost

**Status:** This is a recurring initiative.

**Contact:** For matters pertaining to Customs legislation: P. Girard, Director, Legislative Affairs Division, Department of National Revenue, Connaught Building, 3rd Floor, MacKenzie Avenue, Ottawa, Ontario, K1A 0L5.

Tel. (613) 954-6950; Fax (613) 952-2093.

For matters pertaining to the Excise Act: D.K. Hudson, Director, Legislative and Regulatory Affairs, Department of National Revenue, Place Vanier, Tower A, 3rd Floor, 333 River Road, Ottawa, Ontario, K1A 0L5.

Tel. (613) 952-5323; Fax (613) 954-2226.

For matters pertaining to the Excise Tax Act/GST: M.A. McMahon, Director, Legislation and Regulations Division, Department of National Revenue, Place Vanier, Tower C, 9th Floor, 25 McArthur Avenue, Ottawa, Ontario, K1A 0L5.

Tel. (613) 954-3552; Fax (613) 954-1811.

For matters pertaining to Taxation legislation: D.C. Burnett, Senior Policy Analyst, Current Amendments and Regulations Division, Department of National Revenue, 123 Slater Street, Room 1005, Ottawa, Ontario, K1P 5H2.

Tel. (613) 957-2076; Fax (613) 954-0896.



## RC-47

**Delegation of Minister of National Revenue's Powers and Duties**

Amendments to various regulations may be required to reflect changes to titles or levels of officials and departmental structures resulting from reorganization within the Department, changes in legislation and how persons, to whom certain powers and duties of the Minister of National Revenue are delegated, are identified.

In regard to the Excise Tax Act, the powers of the Minister of National Revenue under the non-GST portions of the Excise Tax Act were delegated by regulation. However, a recent amendment to subsection 59(2) of that Act will enable these powers to be delegated by Ministerial authorization, rather than by regulations. This form of delegation is already in place for the GST portions of that Act. Accordingly, these regulations will be revoked as soon as an authorization has been drafted and executed to provide a parallel delegation of powers. In regard to the Customs and Income Tax Acts, the revisions to the regulations are administrative in nature and therefore, most such amendments will not impact on the public and will have minimal revenue impact. Through these, instruments, the public is able to know an official's level of authority.

**Classification:** Low cost

**Status:** For the Customs and Income Tax Acts: This is a recurring initiative. For the Excise Tax Act: This is a new initiative.

**Contact:** For matters pertaining to Customs legislation: P. Girard, Director, Legislative Affairs Division, Department of National Revenue, Connaught Building, 3rd Floor, MacKenzie Avenue, Ottawa, Ontario, K1A 0L5.

Tel. (613) 954-6950; Fax (613) 952-2093.

For matters pertaining to Excise Tax/GST legislation: Steve Mosher, Legislation Officer, Legislation and Regulations, Department of National Revenue, 25 McArthur Avenue, Vanier, Ontario, K1A 0L5.

Tel. (613) 954-3553; Fax (613) 954-1811.

For matters pertaining to Taxation legislation: D.C. Burnett, Senior Policy Analyst, Current Amendments and Regulations Division, Department of National Revenue, 123 Slater Street, Room 1005, Ottawa, Ontario, K1P 5H2.

Tel. (613) 957-2076; Fax (613) 954-0896.

## RC-48

**Miscellaneous Amendments (Standing Joint Committee for the Scrutiny of Regulations)**

Amendments to the following regulations will be required as a result of concerns raised by the Standing Joint Committee for the Scrutiny of

Regulations: Accounting for Imported Goods and Payment of Duties Regulations; Customs Bonded Warehouses Regulations; Customs Sufferance Warehouses Regulations; and Duty-Free Shop Regulations. The amendments will address certain legal issues as well as minor wording changes, such as the correction of discrepancies or grammatical errors. There may be other amendments of the same nature to other regulations and orders, as concerns are addressed in 1994.

While most such amendments have minor economic or policy impact, a classification with respect to future issues cannot be made at this time.

**Classification:** Low cost

**Status:** This is a recurring initiative.

**Contact:** For matters pertaining to Customs legislation: P. Girard, Director, Legislative Affairs Division, Department of National Revenue, Connaught Building, 3rd Floor, MacKenzie Avenue, Ottawa, Ontario, K1A 0L5.

Tel. (613) 954-6950; Fax (613) 952-2093.

For matters pertaining to the Excise Act:

D.K. Hudson, Director, Legislative and Regulatory Affairs, Department of National Revenue, Place Vanier, Tower A, 3rd Floor, 333 River Road, Ottawa, Ontario, K1A 0L5.

Tel. (613) 952-5323; Fax (613) 954-2226.

For matters pertaining to the Excise Tax Act/GST:

M.A. McMahon, Director, Legislation and Regulations Division, Department of National Revenue, Place Vanier, Tower C, 9th Floor, 25 McArthur Avenue, Ottawa, Ontario, K1A 0L5.

Tel. (613) 954-3552; Fax (613) 954-1811.

For matters pertaining to Taxation legislation:

D.C. Burnett, Senior Policy Analyst, Current Amendments and Regulations Division, Department of National Revenue, 123 Slater Street, Room 1005, Ottawa, Ontario, K1P 5H2.

Tel. (613) 957-2076; Fax (613) 954-0896.

## RC-49

**Remissions under Customs, Excise or Taxation Legislation**

Throughout the year, circumstances may warrant that the Minister of National Revenue will sponsor the introduction of Orders in Council to remit duties and/or taxes paid or payable under the Customs Tariff, the Excise Act, the Excise Tax Act and/or the Income Tax Act.

These remission orders usually have minimal revenue impact and are a means of redressing inequitable situations.

**Classification:** Low cost

**Status:** This is a recurring initiative.

**Contact:** For matters pertaining to the Customs Tariff: C. Seymour, Secretary, Interdepartmental Remission Committee, Department of National Revenue, 6th Floor, Connaught Building, Ottawa, Ontario, K1A 0L5.

Tel. (613) 954-6883; Fax (613) 952-3971.

For matters pertaining to the Excise Tax Act/GST: Steve Mosher, Legislation Officer, Legislation and Regulations, Department of National Revenue, 25 McArthur Avenue, Vanier, Ontario, K1A 0L5. Tel. (613) 954-3553; Fax (613) 954-1811.

For matters pertaining to the Excise Act: D.K. Hudson, Director, Legislative and Regulatory Affairs, Department of National Revenue, Place Vanier, Tower A, 3rd Floor, 333 River Road, Ottawa, Ontario, K1A 0L5.

Tel. (613) 952-5323; Fax (613) 954-2226.

For matters pertaining to the Income Tax Act: J.F. Oulton, Acting Director, Technical Publications Division, Department of National Revenue, 123 Slater Street, Room 1004, Ottawa, Ontario, K1P 5H2.

Tel. (613) 957-2052; Fax (613) 954-0896.

## Future Initiatives

### Customs

#### Customs Bonded Warehouse Regulations: Re-engineering

Customs bonded warehouses are facilities licensed under section 24 of the Customs Act for the long term storage of goods that have not been released from Customs or are destined for export. The Customs Bonded Warehouse Regulations outline the procedures to be followed by an individual or company when making application for a bonded warehouse licence, and the conditions under which such a warehouse must operate.

A study will be undertaken to evaluate the range of activities currently permitted under a bonded warehouse licence. Industry representatives, as well as representatives from departments, such as the Department of Finance and the Department of Industry, will be consulted regarding the possibility of amending the regulations to eliminate sections that are perhaps obsolete in view of today's business climate and also to simplify the security rules and the time limit schedule.

**Contact:** J. Kiefl, Chief, Warehousing Licensing, Transportation Division, Commercial Operations Directorate, Department of National Revenue, 5th Floor, Connaught Building, MacKenzie Avenue,

Ottawa, Ontario, K1A 0L5.

Tel. (613) 954-7193; Fax (613) 952-1698.

#### Customs Review Task Force

In early 1993, a task force was established to review the Customs Act and regulations in order to establish a new statutory and regulatory framework that will support the Government's objectives of liberalized trade and improve the competitiveness of Canadian Industry; prepare for the North American Free Trade Agreement and the proposed January 1994 start-up date; meet the need for a new way of doing business by re-engineering Customs and by promoting the department's New Business Relationship initiatives; and further strengthen the integration of Customs, Excise and Taxation into one portfolio.

The product of the review will be a comprehensive report to the Minister of National Revenue in early 1994 that will recommend changes to Customs' legislative base and an implementation strategy.

In addition to wide internal consultation, involved in the review have been other government departments and approximately 150 clients and stakeholders outside the federal government.

**Contact:** A. Cocksedge, Executive Director, Customs Review Task Force, Department of National Revenue, 6th Floor, Sir Richard Scott Building, 191 Laurier Avenue West, Ottawa, Ontario, K1A 0L5.

Tel. (613) 952-1936; Fax (613) 952-1812.

#### Customs Sufferance Warehouses Regulations

The Customs Sufferance Warehouses Regulations govern the licensing and operation of Customs sufferance warehouses in Canada. These warehouses are facilities licensed under section 24 of the Customs Act. Under the present regulations, users may be provided with space for short-term storage of imported goods which have not obtained Customs release. Following recent changes to the cargo control system, warehouse operators will be required to advise Customs of all goods remaining in their facilities after the 40-day delay allowed under the regulations.

It has not been determined whether this initiative will require a regulatory or policy change.

The department will mainly consult on these matters with the Canadian Highway Sufferance Warehouse Association and other sufferance warehouse operators.

**Contact:** J. Kiefl, Chief, Warehouse Licensing Section, Transportation Division, Commercial Operations Directorate, Department of National



Revenue, 5th Floor, Connaught Building,  
MacKenzie Avenue, Ottawa, Ontario, K1A 0L5.  
Tel. (613) 954-7193; Fax (613) 952-1698.

### Foreign Missions and International Organizations

With the consolidation of the Diplomatic and Consular Privileges and Immunities Act and the Privileges and Immunities (International Organizations) Act under the Foreign Missions and International Organizations Act, certain provisions of the Customs Tariff may need amendment; several Customs Regulations and Orders may also require related amendments.

Consultation with Foreign Affairs and International Trade and the Department of Finance is required to determine what is to be amended.

**Contact:** G. Calow, Manager, Specialty Products, Tariff Programs Division, Department of National Revenue, 6th Floor, Connaught Building, MacKenzie Avenue, Ottawa, Ontario, K1A 0L5.  
Tel. (613) 954-6949; Fax (613) 954-9646.

### Reporting of Exported Goods Regulations: Summary Reporting

These regulations describe reporting requirements for all goods exported from Canada. An amendment to section 8 of these regulations will revise the criteria for exporters applying for inclusion in the summary reporting of exports program.

The revised criteria will enable more exporters to be authorized to report their exports on a monthly summary rather than on a transaction-by-transaction basis.

The department will mainly consult with the exporting community and Statistics Canada when developing the criteria.

**Contact:** P. Trudel, Chief, Export Section, Inspection and Control Division, Commercial Operations Directorate, Department of National Revenue, 5th Floor, Connaught Building, MacKenzie Avenue, Ottawa, Ontario, K1A 0L5.  
Tel. (613) 954-6986; Fax (613) 952-1698.

### Storage of Goods Regulations

The Storage of Goods Regulations outline the procedures to be followed when storing in bond goods pending their release from, or disposal by, Customs. These regulations prescribe the time limits after which goods may be moved to a place of safekeeping and set out the applicable storage charges.

Treasury Board has requested that the department review the schedule of storage charges to ensure they are consistent with current operating costs.

The department will mainly consult with the Canadian Highway Sufferance Warehouse Association relative to existing market storage rates.

**Contact:** J. Kiefl, Chief, Warehouse Licensing Section, Transportation Division, Commercial Operations Directorate, Department of National Revenue, 5th Floor, Connaught Building, MacKenzie Avenue, Ottawa, Ontario, K1A 0L5.  
Tel. (613) 954-7193; Fax (613) 952-1698.

### Temporary Importation Regulations

These regulations provide for the importation, free of duty, or at a reduced rate of duty of certain classes of goods temporarily imported for use in Canada under certain terms and conditions. The proposed amendments will correct an item that was inadvertently restricted in a recent consolidation and will expand the regulations to allow for further relief provisions.

The objectives of consultation with the Department of Finance will be the streamlining of administrative procedures, the reducing of the paper burden and the general facilitating of the temporary importation of goods.

**Contact:** D. Hotchkiss, Manager, Remission Policy Unit, Tariff Programs Division, Customs Programs Branch, Department of National Revenue, Connaught Building, 6th Floor, MacKenzie Avenue, Ottawa, Ontario, K1A 0L5.  
Tel. (613) 954-6878; Fax (613) 954-9646.

### Excise Duties and Taxes

#### The Excise Act Review

The need for a substantive Excise Act review has been identified given technological advancements, trade liberalization, industry rationalization and program resourcing cuts.

The objectives of the review are to identify the current Act's strengths and weaknesses, specify the issues requiring attention and obtain approval for legislative and regulatory amendments necessary to modernize, streamline and simplify the Act or to incorporate the desirable elements of the Act into other legislation.

The department will consult with licensees under the Excise Act, Association of Canadian Distillers (ACD), Brewers Association of Canada (BAC), Canadian Tobacco Manufacturers' Council (CTMC). Other stakeholders will be made aware of the department's plans through a notice in the *Canada Gazette*.

**Contact:** D.K. Hudson, Director, Legislative and Regulatory Affairs, Department of National Revenue, Place Vanier, Tower A, 3rd Floor, 333 River Road,

Ottawa, Ontario, K1A 0L5.  
Tel. (613) 952-5323; Fax (613) 954-2226.

### **Brewery Departmental Regulations**

Brewery industry licensees would like to harmonize their reporting requirements for the Excise Act with those of other Acts administered by the Department of National Revenue. Currently, this section permits monthly filing periods only.

Alternatives under review are the status quo or a revision/restructuring of the regulations. However, before the amendment can be enacted, a change to section 36 of the Excise Act must be made.

The department will consult with the Brewers Association of Canada (BAC), licensed brewers not associated with the BAC, and various accounting associations. Other stakeholders will be made aware of the department's plans through a notice in the *Canada Gazette*.

**Contact:** D.K. Hudson, Director, Legislative and Regulatory Affairs, Department of National Revenue, Place Vanier, Tower A, 3rd Floor, 333 River Road, Ottawa, Ontario, K1A 0L5.  
Tel. (613) 952-5323; Fax (613) 954-2226.

### **Distillery Regulations**

The regulations establish the specific responsibilities of a distiller. An amendment is proposed to broaden the definition of "period" to allow a distiller to harmonize the payment period for excise duty with that for the GST. The industry would also like an abatement from excise duty so that they may destroy fusel oil at their discretion since it is non-potable.

Alternatives under review are the status quo or revision/restructuring of the regulations. However, before an amendment to the regulations can be enacted, a change to the Excise Act must be made.

The department will consult with the Association of Canadian Distillers (ACD), Individual distillers not associated with the ACD and the Department of Industry. Other stakeholders will be made aware of the department's plans through a notice in the *Canada Gazette*.

**Contact:** D.K. Hudson, Director, Legislative and Regulatory Affairs, Department of National Revenue, Place Vanier, Tower A, 3rd Floor, 333 River Road, Ottawa, Ontario, K1A 0L5.  
Tel. (613) 952-5323; Fax (613) 954-2226.

### **Distillery Departmental Regulations**

The distilling industry would like to harmonize their reporting requirements for the Excise Act with those of other Acts administered by the department. Currently, the provision sets out the details to be

included in the return. An additional provision for filing periods other than a calendar month is proposed.

Alternatives under review are the status quo or revision/restructuring of the regulations. However, before an amendment to the regulations can be enacted, a change to the Excise Act must be made. The department will consult with the Association of Canadian Distillers (ACD), individual distillers not associated with the ACD and various accounting associations. Other stakeholders will be made aware of the department's plans through a notice in the *Canada Gazette*.

**Contact:** D.K. Hudson, Director, Legislative and Regulatory Affairs, Department of National Revenue, Place Vanier, Tower A, 3rd Floor, 333 River Road, Ottawa, Ontario, K1A 0L5.  
Tel. (613) 952-5323; Fax (613) 954-2226.

### **Excise Act Licence Fees Regulations**

The licence fees set out in the regulation have not been amended for many years. It should be determined whether the fees charged are sufficient to recover the cost of administering the licence and if, in some cases, a fee is not appropriate.

Alternatives under review are the status quo, repealing or replacing the regulation by administrative policy. However, before this amendment can be enacted, a change to the Excise Act must be made.

The department will consult with the licensees under the Excise Act, Association of Canadian Distillers (ACD), Brewers Association of Canada, and the Canadian Tobacco Manufacturers' Council (CTMC). Other stakeholders will be made aware of the department's plans through a notice in the *Canada Gazette*.

**Contact:** D.K. Hudson, Director, Legislative and Regulatory Affairs, Department of National Revenue, Place Vanier, Tower A, 3rd Floor, 333 River Road, Ottawa, Ontario, K1A 0L5.  
Tel. (613) 952-5323; Fax (613) 954-2226.

### **Experimental Fuel Spirit Regulations**

The production and use of alcohol is closely monitored due to its potential for diversion to beverage purposes. It is proposed to set out provisions for a different class of distiller's licence other than the existing special temporary licence covered by this regulation.

Alternatives under review are the status quo, revocation and incorporation of these regulations into the Distillery Departmental Regulations. However, before this amendment can be enacted, a change to the Excise Act must be made.



The department will consult with distillers licensed under the Excise Act, and special temporary licensees pursuant to Section 256 of the Excise Act. Other stakeholders will be made aware of the department's plans through a notice in the *Canada Gazette*.

**Contact:** D.K. Hudson, Director, Legislative and Regulatory Affairs, Department of National Revenue, Place Vanier, Tower A, 3rd Floor, 333 River Road, Ottawa, Ontario, K1A 0L5.  
Tel. (613) 952-5323; Fax (613) 954-2226.

### **Special Services (Excise) Regulations**

These regulations set out the specific conditions that require special services and the rates to be charged. An administrative approach is proposed so that amendments that respond to Treasury Board requirements can be made more quickly. Alternatives under review are the status quo, repealing and replacing the regulations with administrative policies. However, before these amendments can be enacted, a change to the Excise Act must be made.

The department will consult with licensees under the Excise Act, Association of Canadian Distillers (ACD), Brewers Association of Canada, Canadian Tobacco Manufacturers' Council (CTMC). Other stakeholders will be made aware of the department's plans through a notice in the *Canada Gazette*.

**Contact:** D.K. Hudson, Director, Legislative and Regulatory Affairs, Department of National Revenue, Place Vanier, Tower A, 3rd Floor, 333 River Road, Ottawa, Ontario, K1A 0L5.  
Tel. (613) 952-5323; Fax (613) 954-2226.

### **Manufacturers in Bond Departmental Regulations**

The manufacturers in bond licensees would like to harmonize their reporting requirements under the Excise Act with those of other Acts administered by the department. An amendment to this section is proposed to provide for alternate filing periods. Alternatives under review are the status quo or revision/restructuring the regulation. However, before this amendment can be enacted, a change to the Excise Act must be made.

The department will consult with the Association of Canadian Distillers, bonded manufacturers licensed under the Excise Act, and various accounting associations. Other stakeholders will be made aware of the department's plans through a notice in the *Canada Gazette*.

**Contact:** D.K. Hudson, Director, Legislative and Regulatory Affairs, Department of National Revenue, Place Vanier, Tower A, 3rd Floor, 333 River Road,

Ottawa, Ontario, K1A 0L5.  
Tel. (613) 952-5323; Fax (613) 954-2226.

### **Tobacco Departmental Regulations**

The tobacco industry licensees would like to harmonize their reporting requirements under the Excise Act with those of other Acts administered by the department. An amendment to this new section is proposed to provide for alternate filing periods. Alternatives under review are the status quo or revision/restructuring the regulation. However, before this amendment can be enacted, a change to the Excise Act must be made.

The department will consult with the Canadian Tobacco Manufacturers' Council, tobacco manufacturers and packers licensed under the Excise Act, and various accounting associations. Other stakeholders will be made aware of the department's plans through a notice in the *Canada Gazette*.

**Contact:** D.K. Hudson, Director, Legislative and Regulatory Affairs, Department of National Revenue, Place Vanier, Tower A, 3rd Floor, 333 River Road, Ottawa, Ontario, K1A 0L5.  
Tel. (613) 952-5323; Fax (613) 954-2226.

### **Excise Warehousing Departmental Regulations**

These regulations are intended to establish the conditions under which excisable goods may be moved, shipped, transferred or otherwise removed from one bonded premises to another, or for export. A new provision is proposed requiring all licensed operators of bonding warehouses file a return. Alternatives under review are the status quo or revising/restructuring the regulation. This requires a change to the Excise Act be made.

The department will consult with the Association of Canadian Distillers (ACD), individual distillers not associated with the ACD, the Canadian Tobacco licensed under the Excise Act. Other stakeholders will be made aware of the department's plans through a notice in the *Canada Gazette*.

**Contact:** D.K. Hudson, Director, Legislative and Regulatory Affairs, Department of National Revenue, Place Vanier, Tower A, 3rd Floor, 333 River Road, Ottawa, Ontario, K1A 0L5.  
Tel. (613) 952-5323; Fax (613) 954-2226.

### **Excise Tax Act/GST**

Since implementation of the GST in 1991, the department has continually sought opportunities to improve the legislation, regulations and administrative policies associated with the tax, through measures designed to simplify or reduce the administrative burden imposed upon taxpayers. This

effort has already resulted in significant changes, including elimination of the requirement to file various forms, simplification of the processes for calculating and remitting tax and relaxed filing requirements. The efforts to identify further simplification measures will continue during 1994 and subsequent years.

Where it is apparent that opportunities exist for further improvements, those sectors of our clientele who are directly affected will have an opportunity to provide input into the process. In addition, existing communication networks with the professional tax community, national associations and the small business community will be exploited for ideas as to where further simplification can be realized.

**Contact:** M.A. McMahon, Director, Legislation and Regulations, Department of National Revenue, 25 McArthur Avenue, Vanier, Ontario, K1A 0L5. Tel. (613) 954-3552; Fax (613) 954-1811.

## **Taxation**

The department continually consults with its stakeholders concerning its regulatory-type programs and administrative policies. This has resulted in the reduction of reporting of financial transactions by financial institutions, the simplification of guides and returns and the clarification of Information Circulars and Interpretation Bulletins. The efforts to simplify procedures and ease compliance will continue during 1994 and subsequent years through consultations with affected parties.

Regulations affecting the deducting of income tax, Canada Pension Plan contributions and Unemployment Insurance premiums at source will be re-examined with our stakeholders as will the regulations governing the reporting of various financial transactions on information slips.

**Contact:** G.J. Murray, Senior Policy Analyst, Current Amendments and Regulations Division, Department of National Revenue, 123 Slater Street, Room 1005, Ottawa, Ontario, K1P 5H2. Tel. (613) 957-2079; Fax (613) 954-0896.



## **National Revenue - Taxation, Customs and Excise, Department of**

Taxation and Customs and Excise merged into  
Department of National Revenue.

# Natural Resources, Department of

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## General Information

### Roles and Responsibilities

On June 25, 1993, the departments of Energy, Mines and Resources and Forestry were amalgamated with a view to creating the new Department of Natural Resources. The mandate of the new department, which will be set out in the legislation creating the department, is to promote the sustainable development and responsible use of Canada's mineral, energy, and forest resources and to develop an understanding of Canada's landmass.

### Legislative Mandate

The department's mandate is primarily based on the Department of Energy, Mines and Resources Act, the Resources and Technical Surveys Act, the Forestry Act, and the Department of Forestry Act. Other acts administered in whole or in part by the department include:

- Arctic Waters Pollution Prevention Act
- Canada Lands Surveys Act
- Canada-Newfoundland Atlantic Accord Implementation Act
- Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act
- Canada Oil and Gas Operations Act (formerly titled Oil and Gas Production Conservation Act)
- Canada Petroleum Resources Act
- Canadian Exploration and Development Incentive Program Act
- Canadian Exploration Incentive Program Act
- Canadian Home Insulation Program Act
- Canadian Ownership and Control Determination Act
- Cooperative Energy Act
- Energy Administration Act
- Energy Efficiency Act
- Energy Monitoring Act
- Energy Supplies Emergency Act
- Explosives Act
- Hibernia Development Project Act
- National Energy Board Act
- Nuclear Liability Act
- Oil Substitution and Conservation Act
- Petroleum Incentives Program Act

## Initiatives for 1994

### NRCan-1

#### Canada Oil and Gas Installations

The Canada Oil and Gas Operations Act, formerly titled Oil and Gas Production and Conservation Act, provides for the making of regulations prescribing minimum acceptable standards for the construction, alteration, or use of works, machinery, and plants used in the exploration for and the development and production of oil and gas. In addition, that allows for the regulation of the safety aspects of oil and gas activity.

The proposed regulations will ensure that the various components that are part of the design, construction, installation and operation of an installation function according to specification, thereby ensuring the safety of personnel, the protection of the environment and resource conservation. The petroleum industry already adheres to the design and operating principles set out in the proposed regulations.

With the exception of certain provisions imposing more rigorous standards because of the exceptional environmental conditions found in the Canadian offshore industry, the performance standards contained in the proposed regulations are similar to those adopted by most offshore oil-producing countries.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative numbers EMR-8 and INAC-16.

**Contact:** Joseph Nazareth, Technical Advisor, Frontier Lands Management Branch, Department of Natural Resources, Ottawa, Ontario, K1A 0E4. Tel. (613) 995-5591; Fax (613) 943-2274.

### NRCan-2

#### Newfoundland Offshore Area Petroleum Installations

The Canada-Newfoundland Atlantic Accord Implementation Act provides for the making of regulations prescribing minimum acceptable standards for the construction, alteration, or use of works, machinery, and plants used in the exploration for and the development and production of oil and gas. In addition, the Act allows for the regulation of the safety aspects of oil and gas activity.

The proposed regulations will ensure that the various components that are part of the design, construction, installation, and operation of an installation function according to specification, thereby ensuring the safety of personnel, the

protection of the environment and resource conservation.

The proposed regulations will be identical to the Canada Oil and Gas Installations Regulations to the extent the enabling legislation permits. The petroleum industry already adheres to the design and operating principles set out in the draft Canada Oil and Gas Installations Regulations.

With the exception of certain provisions imposing more rigorous standards because of the exceptional environmental conditions found in the Newfoundland offshore industry, the performance standards contained in the regulations are similar to those adopted by most offshore oil-producing countries.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number EMR-9.

**Contact:** Joseph Nazareth, Technical Advisor, Frontier Lands Management Branch, Department of Natural Resources, Ottawa, Ontario, K1A 0E4. Tel. (613) 995-5591; Fax (613) 943-2274.

#### NRCan-3

##### **Nova Scotia Offshore Area Petroleum Installations**

The Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act provides for the making of regulations prescribing minimum acceptable standards for the construction, alteration or use of works, machinery, and plants used in the exploration for and the development and production of oil and gas. In addition, the Act allows for the regulation of safety aspects of oil and gas activity.

The proposed regulations will ensure that the various components that are part of the design, construction, installation, and operation of an installation function according to specification, thereby ensuring safety of personnel, protection of the environment and resource conservation.

The proposed regulations will be identical to the Canada Oil and Gas Installations Regulations and the Newfoundland Offshore Petroleum Installations Regulations to the extent the enabling legislation permits. The petroleum industry already adheres to the design and operating principles set out in the draft Canada Oil and Gas Installations Regulations. With the exception of certain provisions imposing more rigorous standards because of the exceptional environmental conditions found in the Nova Scotia offshore industry, performance standards contained in the regulations are similar to those adopted by most offshore oil-producing countries.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number EMR-10.

**Contact:** Joseph Nazareth, Technical Advisor, Frontier Lands Management Branch, Department of Natural Resources, Ottawa, Ontario, K1A 0E4. Tel. (613) 995-5591; Fax (613) 943-2274.

#### NRCan-4

##### **Petroleum Occupational Safety and Health – Newfoundland**

The Canada-Newfoundland Atlantic Accord Implementation Act excludes the application of Part IV of the Canada Labour Code. Consequently, it is necessary to develop a separate set of regulations in respect of the safety and inspection of all petroleum operations in the Newfoundland offshore area, similar to the Oil and Gas Occupational Safety and Health (OSH) Regulations promulgated under the authority of Part IV of the Canada Labour Code.

The proposed regulations will be as similar as legislatively possible to the Oil and Gas OSH Regulations under the Canada Labour Code to ensure consistency in safety standards in all petroleum operations across Canada. Both the Canadian Petroleum Association and the Independent Petroleum Association of Canada were actively involved in the drafting and review of the Labour Code Oil and Gas OSH Regulations.

The promulgation of these regulations in the Newfoundland offshore area will have no additional impact on the industry.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number EMR-11.

**Contact:** Joseph Nazareth, Technical Advisor, Frontier Lands Management Branch, Department of Natural Resources, Ottawa, Ontario, K1A 0E4. Tel. (613) 995-5591; Fax (613) 943-2274.

#### NRCan-5

##### **Petroleum Occupational Safety and Health – Nova Scotia**

The Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act excludes the application of Part IV of the Canada Labour Code. Consequently, it is necessary to develop a separate set of regulations in respect of the safety and inspection of all petroleum operations in the Nova Scotia offshore area, similar to the Oil and Gas Occupational Safety and Health (OSH) Regulations promulgated under the authority of Part IV of the Canada Labour Code.

The proposed regulations will be as similar as legislatively possible to the Oil and Gas OSH Regulations under the Canada Labour Code to ensure consistency in safety standards in all petroleum operations across Canada. Both the



Canadian Petroleum Association and the Independent Petroleum Association of Canada were actively involved in the drafting and review of the Labour Code Oil and Gas OSH Regulations.

The promulgation of these regulations in the Nova Scotia offshore area will have no additional impact on the industry.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number EMR-12.

**Contact:** Joseph Nazareth, Technical Advisor, Frontier Lands Management Branch, Department of Natural Resources, Ottawa, Ontario, K1A 0E4. Tel. (613) 995-5591; Fax (613) 943-2274.

#### NRCan-6

##### **Canada Oil and Gas Geophysical**

The Canada Oil and Gas Operations Act (COGOA), formerly titled Oil and Gas Production and Conservation Act, provides for the making of regulations respecting safety, conservation practices and the prevention of pollution in operations for the exploration for and the production of oil and gas.

These regulations will provide specifically for the authorization and regulation of geophysical operations and ensure the safety and protection of the environment for geophysical operations in areas covered by the COGOA.

The oil and gas industry has been operating with the draft Canada Oil and Gas Geophysical Regulations for a number of years. In addition, the Canadian Petroleum Association, the Independent Petroleum Association of Canada and technical associations within the industry have been consulted for their views on the formulation of these regulations.

Promulgation of the proposed regulations is not anticipated to have any incremental impact on the petroleum industry.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative numbers EMR-13 and INAC-18.

**Contact:** Duncan Smith, Technical Advisor, Frontier Lands Management Branch, Department of Natural Resources, Ottawa, Ontario, K1A 0E4. Tel. (613) 992-1001; Fax (613) 943-2274.

#### NRCan-7

##### **Newfoundland Offshore Area Petroleum Geophysical**

The Canada-Newfoundland Atlantic Accord Implementation Act provides for the making of regulations respecting safety, conservation practices and the prevention of pollution in operations for the exploration for and the production of oil and gas.

These regulations will specifically provide for the authorization and regulation of geophysical operations and ensure the safety and protection of the environment for geophysical operations in the Newfoundland offshore area.

The oil and gas industry has been operating with the draft Canada Oil and Gas Geophysical Regulations for a number of years. In addition, the Canadian Petroleum Association, the Independent Petroleum Association of Canada and technical associations within the industry have been consulted for their views on the formulation of these regulations.

Promulgation of the proposed regulations is not anticipated to have any incremental impact on the petroleum industry.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number EMR-14.

**Contact:** Duncan Smith, Technical Advisor, Frontier Lands Management Branch, Department of Natural Resources, Ottawa, Ontario, K1A 0E4. Tel. (613) 992-1001; Fax (613) 943-2274.

#### NRCan-8

##### **Nova Scotia Offshore Area Petroleum Geophysical**

The Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act provides for the making of regulations respecting safety, conservation practices and the prevention of pollution in operations for the exploration for and the production of oil and gas. These regulations will specifically provide for the authorization and regulation of geophysical operations and ensure the safety and protection of the environment for geophysical operations in the Nova Scotia offshore area.

The oil and gas industry has been operating with the draft Canada Oil and Gas Geophysical Regulations for a number of years. In addition, the Canadian Petroleum Association, the Independent Petroleum Association of Canada and technical associations within industry have been consulted for their views on the formulation of these regulations.

Promulgation of the proposed regulations is not anticipated to have any incremental impact on the petroleum industry.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number EMR-15.

**Contact:** Duncan Smith, Technical Advisor, Frontier Lands Management Branch, Department of Natural Resources, Ottawa, Ontario, K1A 0E4. Tel. (613) 992-1001; Fax (613) 943-2274.

**NRCan-9****Canada Certificate of Fitness**

The Canada Oil and Gas Operations Act, formerly titled Oil and Gas Production and Conservation Act, authorizes the making of regulations that prescribe minimum acceptable standards for the construction, alteration, or use of any equipment, works, plants and appliances. In order to ensure that these standards are met by the petroleum industry in relation to offshore installations and structures, an independent third party known as a certifying authority will be required to confirm to the regulator that the installation has been designed, constructed and installed in accordance with the applicable regulations and is fit for the purpose for which it is intended. This confirmation will be in the form of a Canada Certificate of Fitness issued by the Certifying Authority.

The proposed Canada Certificate of Fitness Regulations will define which companies can issue the certificates and prescribe the criteria for issuance.

Certificates of Fitness have long been recognized and required internationally and are thus not new to the petroleum industry. However, the requirement for Certificates of Fitness in Canada will impose an additional financial burden on the industry as it will be the proponent's responsibility to obtain and pay for the certificate.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative numbers EMR-16 and INAC-17.

**Contact:** Joseph Nazareth, Technical Advisor, Frontier Lands Management Branch, Department of Natural Resources, Ottawa, Ontario, K1A 0E4. Tel. (613) 995-5591; Fax (613) 943-2274.

**NRCan-10****Newfoundland Certificate of Fitness**

The Canada-Newfoundland Atlantic Accord Implementation Act authorizes the making of regulations that prescribe minimum acceptable standards for the construction, alteration or use of any equipment, works, plants and appliances. In order to ensure that these standards have been met by the petroleum industry in relation to offshore installations and structures, an independent third party known as a Certifying Authority will be required to confirm to the regulator that the installation has been designed, constructed and installed in accordance with the applicable regulations and is fit for the purpose for which it is intended. This confirmation will be in the form of a Newfoundland

Certificate of Fitness issued by the certifying authority.

The proposed Newfoundland Certificate of Fitness Regulations will define which companies can issue the certificates and prescribe the criteria for issuance.

Certificates of Fitness have long been recognized and required internationally and are thus not new to the petroleum industry. However, the requirement for Certificates of Fitness will impose an additional financial burden on the industry as it will be the proponent's responsibility to obtain and pay for the certificate.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number EMR-17.

**Contact:** Joseph Nazareth, Technical Advisor, Frontier Lands Management Branch, Department of Natural Resources, Ottawa, Ontario, K1A 0E4. Tel. (613) 995-5591; Fax (613) 943-2274.

**NRCan-11****Nova Scotia Certificate of Fitness**

The Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act authorizes the making of regulations that prescribe minimum acceptable standards for the construction, alteration or use of any equipment, works, plants and appliances. In order to ensure that these standards have been met by the petroleum industry in relation to offshore installations and structures, an independent third party known as a certifying authority will be required to confirm to the regulator that the installation has been designed, constructed and installed in accordance with the applicable regulations and is fit for the purpose for which it is intended. This confirmation will be in the form of a Nova Scotia Certificate of Fitness issued by the Certifying Authority.

The proposed Nova Scotia Certificate of Fitness Regulations will define which companies can issue the certificates and prescribe the criteria for issuance.

Certificates of Fitness have long been recognized and required internationally and are thus not new to the petroleum industry. However, the requirement for Certificates of Fitness will impose an additional financial burden on the industry as it will be the proponent's responsibility to obtain and pay for the certificate.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number EMR-18.

**Contact:** Joseph Nazareth, Technical Advisor, Frontier Lands Management Branch, Department of



Natural Resources, Ottawa, Ontario, K1A 0E4.  
Tel. (613) 995-5591; Fax (613) 943-2274.

#### NRCan-12

##### **Canada Oil and Gas Production and Conservation – Amendments**

These regulations establish the minimum safety requirements for all persons engaged in the development and production of oil and gas on lands under federal jurisdiction. When the Canada Certificate of Fitness Regulations come into effect, the Canada Oil and Gas Production and Conservation Regulations will need amending to reference the certificate of fitness requirements. No significant impact on the petroleum industry is expected as a result of this initiative.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative numbers EMR-19 and INAC-20.

**Contact:** Joseph Nazareth, Technical Advisor, Frontier Lands Management Branch, Department of Natural Resources, Ottawa, Ontario, K1A 0E4.  
Tel. (613) 995-5591; Fax (613) 943-2274.

#### NRCan-13

##### **Canada Oil and Gas Drilling – Amendments**

These regulations, first promulgated in 1979, set out the regulatory requirements operators must follow if they wish to undertake drilling operations on lands under federal jurisdiction. The proposed amendments will reflect the certificate of fitness requirements introduced in the Canada Certificate of Fitness Regulations. The amendments will also update the regulations in accordance with provisions in the Canada Oil and Gas Operations Act for authorizations of drilling activity.

The amendments do not change the current regime for authorizing drilling activities in substance, and no significant impact on the petroleum industry is expected.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative numbers EMR-20 and INAC-21.

**Contact:** Joseph Nazareth, Technical Advisor, Frontier Lands Management Branch, Department of Natural Resources, Ottawa, Ontario, K1A 0E4.  
Tel. (613) 995-5591; Fax (613) 943-2274.

#### NRCan-14

##### **Newfoundland Offshore Area Petroleum Drilling – Amendments**

These regulations are based on similar federal regulations first promulgated in 1979. They set out

regulatory requirements operators must follow if they wish to undertake drilling operations in the Newfoundland offshore area. When the Newfoundland Certificate of Fitness Regulations come into effect, it will be necessary to amend the Newfoundland Offshore Petroleum Drilling Regulations in order to reference the certificate of fitness requirements as part of the approval process. There will be no significant impact on the petroleum industry.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number EMR-21.

**Contact:** Joseph Nazareth, Technical Advisor, Frontier Lands Management Branch, Department of Natural Resources, Ottawa, Ontario, K1A 0E4.  
Tel. (613) 995-5591; Fax (613) 943-2274.

#### NRCan-15

##### **Nova Scotia Offshore Area Petroleum Drilling – Amendments**

These regulations are based on similar federal regulations first promulgated in 1979. They set out regulatory requirements operators must follow if they wish to undertake drilling operations in the Nova Scotia offshore area. When the Nova Scotia Certificate of Fitness Regulations come into effect, it will be necessary to amend the Nova Scotia Offshore Petroleum Drilling Regulations in order to reference the certificate of fitness requirements as part of the approval process.

There will be no significant impact on the petroleum industry.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulation Plan as initiative number EMR-22.

**Contact:** Joseph Nazareth, Technical Advisor, Frontier Lands Management Branch, Department of Natural Resources, Ottawa, Ontario, K1A 0E4.  
Tel. (613) 995-5591; Fax (613) 943-2274.

#### NRCan-16

##### **Canada Oil and Gas Diving – Amendments**

These regulations, promulgated in 1988, set out the regulatory requirements operators must follow if they wish to undertake diving operations in areas subjected to the Canada Oil and Gas Operations Act. When the Canada Certificate of Fitness Regulations come into effect, the Canada Oil and Gas Diving Regulations will need amending in order to reference the certificate of fitness requirements as part of the approval process. In addition, the regulations will be amended to relieve the federal Minister of technical and administrative decisions concerning diving activities. These decisions could

be conferred to the Chief Safety Officer or Chief Conservation Officer.

No significant impact is expected as a result of this initiative.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative numbers EMR-23 and INAC-22.

**Contact:** Joseph Nazareth, Technical Advisor, Frontier Lands Management Branch, Department of Natural Resources, Ottawa, Ontario, K1A 0E4. Tel. (613) 995-5591; Fax (613) 943-2274.

#### NRCan-17

##### **Newfoundland Offshore Area Petroleum Diving – Amendments**

These regulations, based on similar federal regulations, establish the regulatory requirements that operators must follow if they wish to undertake diving operations in the Newfoundland offshore area. When the Newfoundland Certificate of Fitness Regulations come into effect, it will be necessary to amend the Newfoundland Offshore Oil and Gas Diving Regulations in order to reference the certificate of fitness requirements. These regulations will also be amended to relieve the Canada-Newfoundland Offshore Petroleum Board of technical and administrative decisions concerning diving activities. These decisions could be conferred to the Chief Safety Officer or Chief Conservation Officer.

No significant impact is expected as a result of this initiative.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number EMR-24.

**Contact:** Joseph Nazareth, Technical Advisor, Frontier Lands Management Branch, Department of Natural Resources, Ottawa, Ontario, K1A 0E4. Tel. (613) 995-5591; Fax (613) 943-2274.

#### NRCan-18

##### **Nova Scotia Offshore Area Petroleum Diving**

The Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act provides for the making of regulations concerning the safety and inspection of all operations, including diving, conducted in connection with the exploration, drilling and production of oil and gas. The proposed regulations, which will be identical to the Canada Oil and Gas Diving Regulations and the Newfoundland Offshore Area Oil and Gas Diving Regulations in respect of technical standards and criteria, will establish a comprehensive regulatory regime necessary to ensure the safety of individuals

engaged in diving operations in the Nova Scotia offshore area.

As these proposed regulations impose the same standards as those found in the Canada Oil and Gas Diving Regulations and the Newfoundland Offshore Area Petroleum Diving Regulations, there will be no incremental impact on the petroleum industry.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number EMR-25.

**Contact:** Joseph Nazareth, Technical Advisor, Frontier Lands Management Branch, Department of Natural Resources, Ottawa, Ontario, K1A 0E4. Tel. (613) 995-5591; Fax (613) 943-2274.

#### NRCan-19

##### **Nova Scotia Offshore Area Petroleum Diving – Amendments**

These regulations, based on similar federal regulations, establish the regulatory requirements that operators must follow if they wish to undertake diving operations in the Nova Scotia offshore area. When the Nova Scotia Certificate of Fitness Regulations come into effect, it will be necessary to amend the Nova Scotia Offshore Petroleum Diving Regulations in order to reference the certificate of fitness requirements.

No significant impact is expected as a result of this initiative.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number EMR-26.

**Contact:** Joseph Nazareth, Technical Advisor, Frontier Lands Management Branch, Department of Natural Resources, Ottawa, Ontario, K1A 0E4. Tel. (613) 995-5591; Fax (613) 943-2274.

#### NRCan-20

##### **Newfoundland Offshore Area Petroleum Production and Conservation**

These regulations establish the minimum requirements for all persons engaged in the development and production of oil and gas in the Newfoundland offshore. The regulations are concerned with requirements for approvals and authorizations and with data requirements at the development and operations stages when a field is in production. Requirements with regard to conservation of resources, metering and testing of fluids produced from and injected into a well, design and construction of oil and gas processing facilities, production operations, environmental protection, safety and training of personnel and the reporting to the government of production, environmental and safety data are also specified in the regulations.



As these proposed regulations impose the same standards as those found in the Canada Oil and Gas Production and Conservation Regulations, which the petroleum industry has complied with since 1978, there will be no incremental impact on the petroleum industry.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number EMR-27.

**Contact:** Joseph Nazareth, Technical Advisor, Frontier Lands Management Branch, Department of Natural Resources, Ottawa, Ontario, K1A 0E4. Tel. (613) 995-5591; Fax (613) 943-2274.

#### NRCan-21

##### **Nova Scotia Offshore Area Petroleum Production and Conservation**

The Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act provides for the making of regulations respecting safety, conservation practices and the prevention of pollution in operations undertaken for the production of oil and gas. The proposed regulations will provide specifically for the authorization, regulation and the safety of production operations in the Nova Scotia offshore area and are similar to the Canada Oil and Gas Production and Conservation Regulations and the Newfoundland Offshore Petroleum Production and Conservation Regulations. Production operations and conservation practices will not be affected when these regulations are promulgated as the petroleum industry has complied with the Canada Oil and Gas Production and Conservation Regulations since 1978.

The regulations will not generate additional financial costs but will have a positive impact by creating certainty for industry and establishing criteria for development and production.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number EMR-28.

**Contact:** Joseph Nazareth, Technical Advisor, Frontier Lands Management Branch, Department of Natural Resources, Ottawa, Ontario, K1A 0E4. Tel. (613) 995-5591; Fax (613) 943-2274.

#### NRCan-22

##### **Frontier Lands Petroleum Land Division and Survey**

The relevant portions of the existing Canada Oil and Gas Land Regulations dealing with land division and survey were prepared on the basis of the 1927 North American Datum pursuant to the Territorial Lands Act and the Public Lands Grants Act. With the creation of a new satellite survey system, North

American Datum 1983, more accurate methods of surveying have been developed. New regulations are being produced to reflect this technological advance.

The proposed regulations were discussed with the Canadian Association of Petroleum Producers. Industry favours the greater accuracy that new surveying methods will provide.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative numbers EMR-29 and INAC-19.

**Contact:** Heather Dabaghi, Technical Advisor, Frontier Lands Management Branch, Department of Natural Resources, Ottawa, Ontario, K1A 0E4. Tel. (613) 995-0137; Fax (613) 943-2274.

#### NRCan-23

##### **Newfoundland Offshore Area Petroleum Land Division and Survey**

These proposed regulations, created pursuant to the Canada-Newfoundland Atlantic Accord Implementation Act, reflect changes in the Frontier Lands Petroleum Land Division and Survey Regulations regarding a new satellite survey system. The proposed regulations will be identical to the Frontier Lands Petroleum Land Division and Survey Regulations to the extent the enabling legislation permits. The industry is in favour of the new surveying methods that will provide a greater degree of accuracy.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number EMR-30.

**Contact:** Heather Dabaghi, Technical Advisor, Frontier Lands Management Branch, Department of Natural Resources, Ottawa, Ontario, K1A 0E4. Tel. (613) 995-0137; Fax (613) 943-2274.

#### NRCan-24

##### **Nova Scotia Offshore Area Petroleum Land Division and Survey**

These proposed regulations, created pursuant to the Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act, reflect changes in the Frontier Lands Petroleum Land Division and Survey Regulations with reference to a new satellite survey system.

The proposed regulations will be identical to the Frontier Land Division and Survey Regulations and the Newfoundland Offshore Petroleum Land Division and Survey Regulations to the extent the enabling legislation permits. The industry is in favour of the new surveying methods that will provide a greater degree of accuracy.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number EMR-31.

**Contact:** Heather Dabaghi, Technical Advisor, Frontier Lands Management Branch, Department of Natural Resources, Ottawa, Ontario, K1A 0E4. Tel. (613) 995-0137; Fax (613) 943-2274.

#### NRCan-25

##### **Nova Scotia Offshore Area Petroleum Spills and Debris Liability**

The Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act (C-NSOPRAIA) imposes absolute liability, up to "an applicable limit," on an operator for any actual damages incurred as a result of a spill or debris in the area where operations are being conducted. The "applicable limits" are to be prescribed by regulations. Any loss or damage in excess of the applicable limit must be proven in court, both as to the cause and liability and as to the amount.

The proposed regulations will prescribe the applicable limits of absolute liability for those areas where the C-NSOPRAIA applies.

As these proposed regulations impose the same absolute liability limit as the Canada Oil and Gas Spills and Liability Regulations and the Newfoundland Offshore Area Petroleum Spills and Debris Liability Regulations, there will be no incremental impact on the petroleum industry.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number EMR-32.

**Contact:** Tim Shanks, Technical Advisor, Frontier Lands Management Branch, Department of Natural Resources, Ottawa, Ontario, K1A 0E4. Tel. (613) 992-8286; Fax (613) 943-2274.

#### NRCan-26

##### **Nova Scotia Resources (Ventures) Limited Drilling Assistance**

Pursuant to the Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act (C-NSOPRAIA), the Minister of Natural Resources is authorized to pay up to 25 million dollars to Nova Scotia Resources (Ventures) Limited (NSRVL) in respect of certain Canadian exploration expenses and Canadian development expenses incurred by NSRVL.

These regulations will prescribe the time limits for, and the manner of, making applications by NSRVL as well as the time limits for, and the manner of repayment of, overpayments by NSRVL and the interest rate to be charged therein.

These regulations apply to only one company, NSRVL. The company was involved in the drafting of these regulations, which serve to put into concrete form the requirements with respect to payments, overpayments and interest.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number EMR-33.

**Contact:** Felix Kwamena, Analyst, Frontier Lands Management Branch, Department of Natural Resources, Ottawa, Ontario, K1A 0E4. Tel. (613) 995-3190; Fax (613) 943-2274.

#### NRCan-27

##### **Frontier Lands Registration – Amendments**

The Canada Petroleum Resources Act allows for the making of regulations respecting the registration and filing of documents in respect of petroleum interests, including the registration of encumbrances. The regulations establish a system to permit the registration of interests (exploration, significant discovery and production licences) and instruments relating to the transfer of interest ownership and security arrangements. The proposed amendment will ensure that the English and French versions are equivalent.

The petroleum industry is already complying with the regulations. The amendment will have no negative impact; rather, it will serve to facilitate industry's ability to comply with the regulations.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number EMR-34.

**Contact:** Heather Dabaghi, Technical Advisor, Frontier Lands Management Branch, Department of Natural Resources, Ottawa, Ontario, K1A 0E4. Tel. (613) 995-0137; Fax (613) 943-2274.

#### NRCan-28

##### **Newfoundland Offshore Area Registration – Amendments**

The Canada-Newfoundland Atlantic Accord Implementation Act allows for the making of regulations respecting the registration and filing of documents in respect of petroleum interests, including the registration of encumbrances. The regulations establish a system to permit the registration of interests (exploration, significant discovery and production licences) and instruments relating to the transfer of interest ownership and security arrangements. The proposed amendment will ensure that the English and French versions are equivalent.

The petroleum industry is already complying with the regulations. The amendment will have no negative



impact; rather, it will serve to facilitate industry's ability to comply with the regulations.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number EMR-35.

**Contact:** Heather Dabaghi, Technical Advisor, Frontier Lands Management Branch, Department of Natural Resources, Ottawa, Ontario, K1A 0E4. Tel. (613) 995-0137; Fax (613) 943-2274.

#### NRCan-29

##### **Nova Scotia Offshore Petroleum Registration**

The Canada-Nova Scotia Petroleum Resources Accord Implementation Act allows for the making of regulations respecting the establishment and maintenance of a registry for registration and filing of documents in respect of interests and instruments that affect these interests.

The proposed regulations will establish a system to permit the registration of exploration, significant discovery and production licences and instruments relating to the transfer of ownership and security arrangements. The proposed regulations should promote a degree of confidence and security within both the petroleum industry and financial institutions, as these sectors will now be able to register their documents and receive the statutory protection afforded by such a system.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number EMR-36.

**Contact:** Heather Dabaghi, Technical Advisor, Frontier Lands Management Branch, Department of Natural Resources, Ottawa, Ontario, K1A 0E4. Tel. (613) 995-0137; Fax (613) 943-2274.

#### NRCan-30

##### **Canada Oil and Gas Operations – Amendments**

These regulations were first promulgated in February 1983. The Operations Regulations spell out requirements for obtaining an operations licence, authorization for exploratory or development work, and for reporting an oil spill. The Canada Oil and Gas Operations Act, which these regulations fall under, requires that an operator obtain an operating licence and an authorization prior to commencing any work or activity.

The proposed amendments will increase the fee associated with obtaining a licence, presently set at \$25. The fee increase will depend on the type of operation carried out. This fee would cover the costs required to issue such licences and authorizations.

Since the amendments propose an increase in the fee associated with obtaining an operating licence,

there will be a minimal financial cost increase to the petroleum industry and other organizations wishing to conduct oil and gas activities and field research programs.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1991 Regulatory Plan as number 100-COGLA.

**Contact:** Joseph Nazareth, Technical Advisor, Frontier Lands Management Branch, Department of Natural Resources, Ottawa, Ontario, K1A 0E4. Tel. (613) 995-5591; Fax (613) 943-2274.

#### NRCan-31

##### **Newfoundland Offshore Area Petroleum Operations – Amendments**

These regulations were first promulgated in June 1988, under the Canada-Newfoundland Atlantic Accord Implementation Act (C-NAAIA). They set out conditions for obtaining an operating licence authorization, for exploratory or development work, and for reporting an oil spill in the Newfoundland offshore.

The proposed amendments will increase the fee associated with obtaining a licence, presently set at \$25. The fee increase will depend on the type of operation carried out. This fee would cover the costs required to issue such licences and authorizations.

Since the amendments propose an increase in the fee associated with obtaining an operating licence, there will be a minimal financial cost increase to the petroleum industry and other organizations wishing to conduct oil and gas activities and field research programs.

**Classification:** Intermediate cost

**Status:** This proposal is a recurring initiative that appeared in the 1991 Regulatory Plan as initiative number 101-COGLA.

**Contact:** Joseph Nazareth, Technical Advisor, Frontier Lands Management Branch, Department of Natural Resources, Ottawa, Ontario, K1A 0E4. Tel. (613) 995-5591; Fax (613) 943-2274.

#### NRCan-32

##### **Nova Scotia Offshore Area Petroleum Operations**

These regulations are based on similar federal regulations that were first promulgated in February 1983. The Operations Regulations spell out requirements for obtaining an operations licence, authorization for exploratory or development work, and for reporting an oil spill. The Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act, which these regulations fall under, requires that an operator obtain an

operating licence and an authorization prior to commencing any work or activity.

When the Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act came into effect in January 1990, there was a need to promulgate this Nova Scotia version of the regulations for the purpose of administering the Act. These regulations will also reflect amendments proposed to the Canada Oil and Gas Operations Regulations and the Newfoundland Offshore Area Petroleum Operations Regulations.

Since the proposed regulations provide a graduated system for fees associated in obtaining an operating licence, there will be a minimal financial cost increase to the petroleum industry and other organizations wishing to conduct oil and gas activities and field research programs.

**Classification:** Intermediate cost

**Status:** This proposal is a recurring initiative that appeared in the 1991 Regulatory Plan as initiative number 99-COGLA.

**Contact:** Joseph Nazareth, Technical Advisor, Frontier Lands Management Branch, Department of Natural Resources, Ottawa, Ontario, K1A 0E4. Tel. (613) 995-5591; Fax (613) 943-2274.

#### NRCan-33

##### **Environmental Studies Research Fund Regions – Amendments**

The Canada Petroleum Resources Act (CPRA) requires regions to be prescribed in regulations for the imposition of levies. These levies are used to fund environmental studies. Because of a moratorium on Georges Bank and the resolution of the international boundary dispute between Canada and France over St-Pierre and Miquelon, it is necessary to redefine some of the 31 regions presently identified in the regulations.

These amendments would exclude the Georges Bank and the settled international boundary resolution. Therefore, industry would no longer be required to pay levies in these areas.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Joseph Nazareth, Technical Advisor, Frontier Lands Management Branch, Department of Natural Resources, Ottawa, Ontario, K1A 0E4. Tel. (613) 995-5591; Fax (613) 943-2274.

#### NRCan-34

##### **Offshore Installation Manager**

The Canada Oil and Gas Operations Act (COGOA) requires that a manager in command of an installation meet prescribed qualifications. These

regulations will spell out the qualification requirements for an installation manager.

These regulations will improve safety of operations on frontier lands in that only qualified and certified personnel will be allowed to be installation managers. Individuals aspiring to become installation managers will be required to meet stringent standards and qualifications. Therefore, these regulations will result in additional costs to industry.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Joseph Nazareth, Technical Advisor, Frontier Lands Management Branch, Department of Natural Resources, Ottawa, Ontario, K1A 0E4. Tel. (613) 995-5591; Fax (613) 943-2274.

#### NRCan-35

##### **Newfoundland Offshore Area Installation Manager**

The Canada-Newfoundland Atlantic Accord Implementation Act (C-NAAIA) requires that a manager in command of an installation meet prescribed qualifications. These regulations will spell out the qualification requirements for an installation manager.

These regulations will improve safety of operations on frontier lands in that only qualified and certified personnel will be allowed to be installation managers. Individuals aspiring to become installation managers will be required to meet stringent standards and qualifications. Therefore, these regulations will result in additional costs to industry.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Joseph Nazareth, Technical Advisor, Frontier Lands Management Branch, Department of Natural Resources, Ottawa, Ontario, K1A 0E4. Tel. (613) 995-5591; Fax (613) 943-2274.

#### NRCan-36

##### **Nova Scotia Offshore Area Installation Manager**

The Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act requires that a manager in command of an installation meet prescribed qualifications. These regulations will spell out the qualification requirements for an installation manager.

These regulations will improve safety of operations on frontier lands in that only qualified and certified personnel will be allowed to be installation managers. Individuals aspiring to become installation managers will be required to meet stringent standards and qualifications. Therefore, these regulations will result in additional costs to industry.



*Classification:* Intermediate cost

*Status:* This is a new initiative.

*Contact:* Joseph Nazareth, Technical Advisor, Frontier Lands Management Branch, Department of Natural Resources, Ottawa, Ontario, K1A 0E4.  
Tel. (613) 995-5591; Fax (613) 943-2274.

#### NRCan-37

##### **Canada Oil and Gas Spill and Debris Liability – Amendments**

The Canada Oil and Gas Operations Act (COGOA) imposes absolute liability, up to "an applicable limit", on an operator for any actual damages incurred as a result of a spill or debris in the area where oil and gas operations are being conducted. The cause and liability and amount of any losses or damage in excess of the applicable limit must be proven in court. The proposed amendments will review the applicability of absolute liability and the associated limits of liability that may be prescribed under COGOA.

The impact of the proposed amendments will be determined from consultations with stakeholders.

*Classification:* Intermediate cost

*Status:* This is a new initiative.

*Contact:* Tim Shanks, Technical Advisor, Frontier Lands Management Branch, Department of Natural Resources, Ottawa, Ontario, K1A 0E4.  
Tel. (613) 992-8286; Fax (613) 943-2274.

#### NRCan-38

##### **Newfoundland Oil and Gas Spill and Debris Liability – Amendments**

The Canada-Newfoundland Atlantic Accord Implementation Act (C-NAAIA) imposes absolute liability, up to "an applicable limit", on an operator for any actual damages incurred as a result of a spill or debris in the area where oil and gas operations are being conducted. The cause and liability and amount of any losses or damage in excess of the applicable limit must be proven in court, both as to the cause and liability and as to the amount. The proposed amendments will review the applicability of absolute liability and the associated limits of liability which may be prescribed under C-NAAIA.

The impact of the proposed amendments will be determined from consultations with stakeholders.

*Classification:* Intermediate cost

*Status:* This is a new initiative.

*Contact:* Tim Shanks, Technical Advisor, Frontier Lands Management Branch, Department of Natural Resources, Ottawa, Ontario, K1A 0E4.  
Tel. (613) 992-8286; Fax (613) 943-2274.

#### NRCan-39

##### **Newfoundland Environmental Assessment**

The purpose of this regulation is to designate the Canada-Newfoundland Offshore Petroleum Board as a federal authority under the Canada Environmental Assessment Act (CEAA). This will ensure that the conditions of the Act to assess the environmental effects of projects requiring Board decisions are carried out.

The CEAA will replace the terms and conditions of the Environmental Assessment and Review Process Guidelines Order, now followed by the Board for the purpose of environmental assessment. No significant incremental impact on the petroleum industry is expected.

*Classification:* Low cost

*Status:* This is a new initiative.

*Contact:* Tim Shanks, Technical Advisor, Frontier Lands Management Branch, Department of Natural Resources, Ottawa, Ontario, K1A 0E4.  
Tel. (613) 992-8286; Fax (613) 943-2274.

#### NRCan-40

##### **Nova Scotia Environmental Assessment**

The purpose of this regulation is to designate the Canada-Nova Scotia Offshore Petroleum Board as a federal authority under the Canada Environmental Assessment Act (CEAA). This will ensure that the conditions of the Act to assess the environmental effects of projects requiring Board decisions are carried out.

The CEAA will replace the terms and conditions of the Environmental Assessment and Review Process Guidelines Order, now followed by the Board for the purpose of environmental assessment. No significant incremental impact on the petroleum industry is expected.

*Classification:* Low cost

*Status:* This is a new initiative.

*Contact:* Tim Shanks, Technical Advisor, Frontier Lands Management Branch, Department of Natural Resources, Ottawa, Ontario, K1A 0E4.  
Tel. (613) 992-8286; Fax (613) 943-2274.

#### NRCan-41

##### **Canada Oil and Gas Land**

These regulations were promulgated in 1961. They prescribe a regime for the administration of oil and gas rights on frontier lands that was used extensively until the early 1980's. This regime has now been largely replaced by provisions of the Canada Petroleum Resources Act. Accordingly, redundant provisions of these regulations will be revoked in order to streamline the regulations and make them easier to use by the oil and gas industry.

As these regulations have been in place for many years, the oil and gas industry is familiar with them. The proposed amendments would serve to simplify their usage and therefore will have a positive impact on the regulated industry.

**Classification:** : Low cost

**Status:** This is a new initiative.

**Contact:** Heather Dabaghi, Senior Advisor, Frontier Lands Management Branch, Department of Natural Resources, Ottawa, Ontario, K1A 0E4.  
Tel. (613) 995-0137; Fax (613) 943-2274.

#### NRCan-42

##### **Energy Monitoring**

The amendments to the Energy Monitoring Regulations (SOR/83-172) are necessary to bring the promulgated Petroleum Monitoring Survey Questionnaire up to date with the questionnaire used for the annual 1992 survey. Certain changes to sections of the regulations will eliminate the current necessity to amend the regulations twice yearly. Under the current arrangements, the tax-related information schedule must be promulgated for the survey of the first half of the year, while for the survey of the full years results, the tax-related information schedule is revoked, leaving intact the other schedules relating to the income and expense statement, capital expenditures, the balance sheet and energy commodity production.

The "timeliness" of financial result publication by the Petroleum Monitoring Agency will be improved by eliminating the detailed survey of the financial results during the first six months of the year and replacing it with quarterly "mini-surveys", requiring substantially less information.

After promulgation of these amendments, it will be necessary to promulgate amendments only when the data requirements of government and industry or the regulatory/fiscal environment change.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative numbers EMR-6 and EMR-7.

**Contact:** Peter Blitt, Director, Petroleum Monitoring and Energy Statistics Division, Department of Natural Resources, Ottawa, Ontario, K1A 0E4.  
Tel. (613) 992-6780; Fax (613) 992-3187.

#### NRCan-43

##### **Energy Efficiency Standards**

The Energy Efficiency Regulations (scheduled for publication in 1993-94) establish national minimum energy efficiency performance standards for prescribed equipment imported into Canada or traded interprovincially. The Department of Natural

Resources proposes to expand the range of products and to increase the levels over and above those prescribed in the Energy Efficiency Regulations. Products that could be affected by these regulations include ground source heat pumps, split-system central air conditioners and heat pumps, electric water heaters, large air conditioners and heat pumps, oil-fired furnaces, oil-fired boilers, gas-fired boilers, package terminal air conditioners and heat pumps, direct expansion ground source heat pumps and three phase central air conditioners and heat pumps. The final set of regulations will reflect the output of extensive consultations on this proposal. This initiative will be implemented in co-ordination with the provinces.

Removing the most energy inefficient products from the market will help moderate the growth in demand for energy, which will have environmental benefits. Through consultation with provincial governments, equipment manufacturers, energy supply industries, public interest groups and other interested parties, a regulatory system, consistent across Canada, will be established in accordance with Canada's trade obligations and will seek to minimize the cost to industry and consumers.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Pat Martin, Senior Policy Analyst, Efficiency and Alternative Energy Branch, Energy Sector, Department of Natural Resources, Ottawa, Ontario, K1A 0E4.  
Tel. (613) 943-2396; Fax (613) 943-1590.

#### NRCan-44

##### **EnerGuide**

The Energy Efficiency Regulations (scheduled for publication in 1993/94) are intended to continue the EnerGuide Program, which provides consumers with information on the energy requirements of refrigerators, freezers, ranges and ovens, dishwashers, clothes washers, clothes dryers, and room air conditioners through the energy labelling of these (electrical) products and through the publication of a directory containing these data. The Department of Natural Resources proposes to expand the list of products that are required to display the EnerGuide label. Products that could be affected by these regulations include vented decorative gas appliances (gas fireplaces) and dehumidifiers. The final set of regulations will reflect the output of extensive consultations on this proposal.

No significant negative industry impact for the additional two products covered by EnerGuide is anticipated. Consumers will benefit by having



information on energy use for a wider range of products. Manufacturers of newly affected products will need to provide the appropriate reporting activity. Consumers will therefore receive greater assistance in product selection. Manufacturers may also need to arrange for product testing. By supporting the purchase of more energy-efficient products, the program will reduce Canadian energy demand and have environmental benefits.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Pat Martin, Senior Policy Analyst, Efficiency and Alternative Energy Branch, Energy Sector, Department of Natural Resources, Ottawa, Ontario, K1A 0E4.

Tel. (613) 943-2396; Fax (613) 943-1590.

#### NRCan-45

##### **Modernization of Explosives Regulations**

The Explosives Regulations, which are made pursuant to the recently amended Explosives Act, will be modernized and restructured to better address safety in today's explosives marketplace.

The Explosives Regulations, in this first phase of modernization, will be purged of provisions that are no longer required. New non-contentious regulations will be introduced that better address current technology and industrial practices. Finally, the Canadian classification system for explosives will be replaced with the United Nations system and licence and permit and certificate fees will be increased. This overhaul of the present explosives regulatory system is needed because it is outdated in language and content and because it lacks clarity and organization.

Other than increasing the fees associated with the licensing system, fees that are in support of cost recovery, this initiative will impose a minimal financial burden on the public. In return, the public will enjoy the benefits of a state-of-the-art regulatory system that will be both easy to use and understand.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number EMR-1.

**Contact:** Dave McCulloch, Senior Inspector of Explosives, Explosives Division, Department of Natural Resources, Ottawa, Ontario, K1A 0E4. Tel. (613) 995-8995; Fax (613) 995-0480.

#### NRCan-46

##### **Certificate For The Safe Use of High Level Display Fireworks: Fee**

Regulatory authority, as provided for under the Explosives Act, will be sought to support the charging of a fee for attendance at the High Level

Display Fireworks Safety Course, which is held at approximately 20 different locations across Canada each year.

A one-half-day basic safety course aimed at persons wanting to supervise the firing of high level fireworks displays has been offered at various locations across Canada for almost 20 years. Attendance at this course is mandatory to become an approved purchaser of such fireworks and to supervise their use.

This initiative represents an attempt to recover some of the costs associated with providing this safety training.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number EMR-2.

**Contact:** Dave McCulloch, Senior Inspector of Explosives, Explosives Division, Department of Natural Resources, Ottawa, Ontario, K1A 0E4. Tel. (613) 995-8995; Fax (613) 995-0480.

#### NRCan-47

##### **Certificate for the Safe Use of Theatrical Explosives: Fee**

Regulatory authority, as provided for under the Explosives Act, will be sought to support the charging of a fee for attendance at the Theatrical Explosives Safety Course, which is currently under development and is expected to be launched sometime during the second half of 1994.

This one-day course will be aimed at pyrotechnicians engaged in the production of special effects for film, television, theatre, and live performances as well as fire prevention officers who are responsible for granting local approval. Emphasis will be placed on safety and legal awareness.

Details will be communicated to the public in the spring 1994 issue of the Explosives and Pyrotechnics News.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Dave McCulloch, Senior Inspector of Explosives, Explosives Division, Department of Natural Resources, Ottawa, Ontario, K1A 0E4. Tel. (613) 995-8995; Fax (613) 995-0480.

#### NRCan-48

##### **Declaration of an Authorized Explosive: Fee**

Regulatory authority, as provided for under the Explosives Act, will be sought to support the charging of a fee to recover the administrative costs involved in the declaration of an explosive to be an authorized explosive pursuant to the Explosives Act.

The imposition of this fee will aid cost recovery by generating additional revenue while distributing the costs of services provided by the Explosives Branch more equally among those who benefit.

Details will be communicated to the public in the spring 1994 issue of the Explosives and Pyrotechnics News.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Dave McCulloch, Senior Inspector of Explosives, Explosives Division, Department of Natural Resources, Ottawa, Ontario, K1A 0E4. Tel. (613) 995-8995; Fax (613) 995-0480.

## Future Initiatives

### Mobile Offshore Drilling Unit Regulations

This initiative will give minimum acceptable standards for mobile offshore drilling units used for oil and gas exploration. With the exception of certain provisions imposing more rigorous standards because of the exceptional environmental conditions found in the Canadian offshore, the standards that will be contained in these regulations will be similar to those adopted by most international offshore regimes.

Extensive consultation with the oil and gas industry will be carried out, particularly with the Canadian Association of Petroleum Producers and the Canadian Association of Offshore Drilling Contractors.

Requirements for mobile offshore drilling units are presently contained in the Installations regulations. In order to ensure consistency with the requirements issued by the Canadian Coast Guard, these regulations are being developed jointly with the Canadian Coast Guard. Once these regulations are promulgated, amendments to the Installations Regulations to delete their application to mobile offshore drilling units will be made.

**Contact:** Joseph Nazareth, Technical Advisor, Frontier Lands Management Branch, Department of Natural Resources, Ottawa, Ontario, K1A 0E4. Tel. (613) 995-5591; Fax (613) 943-2274.

### Amendments to the Canada Oil and Gas Drilling Regulations

These regulations were first promulgated in 1979 after extensive consultations with industry, provincial governments, federal departments and the international community. The regulations set out requirements for drilling operations. Since the promulgation of these regulations, several other

regulations that affect drilling operations have come into force.

Two alternatives are being considered. One is to carry out a major review of the regulations. Extensive consultation will be carried out with the industry, workers, provincial governments and offshore boards. The objective of this exercise is to avoid redundancy and conflict of requirements among the various regulations and to update requirements because of evolution in the drilling industry.

The other alternative is the status quo, which could lead to confusion among stakeholders.

The department will mainly consult with the Newfoundland and Nova Scotia governments, the oil and gas industry, the offshore boards, workers and other federal departments. Other stakeholders will be made aware of the department's plans through a notice in the *Canada Gazette*.

**Contact:** Joseph Nazareth, Technical Advisor, Frontier Lands Management Branch, Department of Natural Resources, Ottawa, Ontario, K1A 0E4. Tel. (613) 995-5591; Fax (613) 943-2274.

### Oil-Based Drilling Mud and Waste Treatment Regulations

The limits on the use of oil-based drilling muds and the treatment of wastes resulting from frontier lands oil and gas operations were imposed through two sets of guidelines: the 1985 Canada Oil and Gas Lands Administration (COGLA) Guidelines for the Use of Oil-Based Drilling Muds and the 1989 COGLA Offshore Waste Treatment Guidelines. The oil and gas industry has requested that the limits be set in regulations because of conflicting requirements between the previous COGLA guidelines and the limits set by the Department of Environment.

Two alternatives are being considered. One is to develop new sets of regulations under the Canada Oil and Gas Operations Act and the two East Coast Accord Implementation Acts. The other alternative is to amend the Canada Oil and Gas Drilling Regulations, the Canada Production and Conservation Regulations, and the mirror regulations under the Accord Implementation Acts.

The department will mainly consult with the Newfoundland and Nova Scotia governments, the oil and gas industry, and regulatory agencies. Other stakeholders will be made aware of the department's plan through a notice in the *Canada Gazette*.

**Contact:** Tim Shanks, Technical Advisor, Frontier Lands Management Branch, Department of Natural



Resources, Ottawa, Ontario, K1A 0E4.  
Tel. (613) 992-8286; Fax (613) 943-2274.

### **Modernization of Explosives Regulations – Phase II**

The second phase of the Explosives Regulating modernization will be initiated once the first phase has been completed toward the end of 1994.

This second phase will address outstanding issues from phase one as well as new issues that are more contentious in nature and expected to require more consultation.

Preliminary consultation on phase two issues will be conducted concurrent to the formal phase one consultation during the middle months of 1994. Further consultation will involve the publication of the results of this preliminary consultation in the Explosives and Pyrotechnics News. Other stakeholders will be informed through publication in the *Canada Gazette*.

**Contact:** Dave McCulloch, Senior Inspector of Explosives, Explosives Division, Natural Resources, Ottawa, Ontario, K1A 0E4.  
Tel. (613) 995-8995; Fax (613) 995-0480.

## Office of the Comptroller General

This department is now part of Treasury Board Secretariat.



## Parks Service

- Parks Canada and historic sites transferred from the Department of Environment to Canadian Heritage.

# Public Works and Government Services, Department of

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- Defence Production Act
- Dry Dock Subsidies Act
- Expropriation Act
- Government Property Traffic Act
- Government Works Tolls Act
- Milltown Bridge Act
- Municipal Grants Act
- Ottawa River Act
- Royal Canadian Mint Act
- Seized Property Management Act
- Surplus Crown Assets Act

## Administrative Arrangements

- Federal Real Property Act
- Public Works Health Act
- Public Harbours and Port Facilities Act
- Ste-Foy-St-Nicolas Bridge Act

## General Information

### Roles and Responsibilities

The Department of Public Works and Government Services (PWGS) has been established to foster cost-effective and efficient delivery of common services to the federal government. PWGS is composed of the departments of Public Works, Supply and Services, the federal government Telecommunications Agency and the Secretary of State's Translation Bureau.

GSC serves as a focal point for the most common services required by federal departments and agencies, including procurement; compensation; financial and personnel management systems; the Receiver General's functions; accommodation; real estate services; design and construction; telecommunications and informatics services; and translation.

### Legislative Mandate

The statutes under the jurisdiction of the Minister responsible for Public Works and Government Services are the following:

- Supply and Services Canada Act
- Public Works Canada Act
- Bridges Act
- Canadian Commercial Corporation Act

## Initiatives for 1994

### PWGS-1

#### Esquimalt Graving Dock – Amendment to Regulations

PWGS will seek to raise the rates at the Esquimalt Graving Dock early in 1994 and amend the corresponding regulations. The purpose of the increase is to recover operating losses of 1.2 million dollars. All users are being consulted directly on the proposed changes.

**Classification:** Intermediate cost

**Status:** A request to Treasury Board is being prepared for this amendment.

**Contact:** Deborah Doane, Analyst, Real Property Program, Public Works and Government Services, Ottawa, Ontario, K1A 0M2.

Tel. (613) 736-2242; Fax (613) 736-3253.

### PWGS-2

#### Municipal Grants Regulation

On December 2, 1992, the Finance Minister decided to freeze the envelope of the grants-in-lieu-of-property-taxes program for two years at \$424 million per year. In order to do this, amendments to the regulations will be put in place during 1993.

Following this decision, the Minister responsible for Public Works and Government Services plans to propose to Cabinet major amendments to the Municipal Grants Act during 1994, which will come



into force on January 1, 1995. These amendments will limit the growth of the program envelope in future years by changing the method of calculating the grants for all or part of the federal properties. The amendments to the Act are to be followed by amendments to the regulations under this act, also to be done during 1994. The following regulations will be amended: Municipal Grants Regulations, 1980; Interim Payments and Recovery of Overpayments Regulations; Crown Corporation Grants Regulations.

If this regulatory project is implemented, it will affect mainly larger urban centres and a total of up to 2,200 municipalities. The expected savings over the next ten years may grow to some \$50 million per year (in 1993 dollars).

**Classification:** Major

**Status:** Preparation of the Treasury Board submission is in progress.

**Contact:** Jacques Piché, Director, Grants and Contributions, Real Property Branch, Public Works and Government Services, Ottawa, Ontario, K1A 0M2.

Tel. (613) 736-2214.

### PWGS-3

#### **Seized Property Management Act – New Regulations**

This Act was given Royal Assent on 23 June 1993. Regulations are required to provide for the management of property that is the subject of a seizure, restraint or management order in proceeds of crime and other cases initiated by the Attorney General of Canada; provide for the management and disposal of property obtained as a result of forfeitures in cases initiated by the Attorney General of Canada; prescribe the operations of the accounts established in the Act and to establish a form to report the change in location of seized property; and establish a process to share the proceeds of crime that is forfeited to Her Majesty the Queen in right of Canada with jurisdictions and the law enforcement agencies that provided assistance in the investigation that led to the forfeiture. The sharing regulation will provide for the payment of monies out of the proceeds account established by the Act.

**Classification:** Low cost.

**Status:** This is a new initiative.

**Contact:** Paule Côté-Lambert, Legal Counsel, Public Works and Government Services, Ottawa, Ontario, K1A 0S5.

Tel. (613) 956-1786.

### PWGS-4

#### **Lot 487, Ward 4, (City of Hull) Leasing Regulations Revocation, Toronto Harbourfront Leasing Regulations Revocation, Ste-Scolastique Leasing Regulations Revocation**

The Federal Real Property Act of 1990 granted full leasing authority to the Minister of Public Works, now Public Works and Government Services. These regulations are therefore no longer necessary.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Paul Hébert, Corporate Policy and Planning, Corporate Services Branch, Public Works and Government Services, Ottawa, Ontario, K1A 0M2.

Tel. (613) 736-2820.

### PWGS-5

#### **Change to Regulations to Refer to the Public Works and Government Services Act**

The regulations under the jurisdiction of the Minister of Public Works and Government Services will have to be changed to refer to this new Act, once it is proclaimed.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Paul Hébert, Corporate Policy and Planning, Corporate Services Branch, Public Works and Government Services, Ottawa, Ontario, K1A 0M2.

Tel. (613) 736-2820.

## **Public Works, Department of**

This department is now part of the Department of  
Public Works and Government Services.



## Secretary of State of Canada, Department of the

Responsibilities of the entire department have been transferred as follows:

- transfers for post-secondary education, the student loan program and social development programs to the Department of Human Resources Development;
- official languages, state ceremonial and Canadian studies to Canadian Heritage; and
- the Translation Bureau (including regional operations) transferred to Public Works and Government Services.

# Solicitor General, Department of the

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## General Information

### Roles and Responsibilities

The Department of the Solicitor General is comprised of four agencies: the Royal Canadian Mounted Police (RCMP), the National Parole Board (NPB), the Correctional Service of Canada (CSC) and the Canadian Security Intelligence Service (CSIS) and three review bodies: the RCMP External Review Committee, the RCMP Public Complaints Commission and the Inspector General of the Canadian Security Intelligence Service; the Office of the Correctional Investigator and secretariat which provides advice to the Solicitor General on policing, corrections and national security and advises on ministry policy.

### Legislative Mandate

The Solicitor General administers:

- Department of the Solicitor General Act
- Royal Canadian Mounted Police Act
- Prisons and Reformatory Act
- Canadian Security Intelligence Service Act
- Corrections and Conditional Release Act
- Criminal Records Act
- Transfer of Offenders Act

### Administrative Arrangements

The department's additional operational responsibilities are carried out under the following Acts:

- Identification of Criminals Act
- Security Offences Act
- Official Secrets Act
- Diplomatic and Consular Privileges and Immunities Act
- Immigration Act
- Psychoactive Substance Control Act (currently Bill C-85)

Operational responsibilities also include certain sections of the Criminal Code relating to electronic interception, designation of fingerprint and counterfeit examiners, and the Firearms Annual Report, which are administered by other departments. The RCMP enforces all federal statutes when they are not under the jurisdiction of another department or agency.



## Initiatives for 1994

### Department of the Solicitor General

#### SGC-1

##### **Transfer of Offenders Act Schedule**

The Transfer of Offenders Act enables Canada to negotiate multilateral and bilateral treaties with other countries to allow persons convicted of offences in foreign countries to serve their sentences in their home country. The Schedule to the Act lists those countries with whom Canada has concluded treaties. The amendment to the Schedule, a routine initiative, has appeared in previous regulatory plans and will continue to be undertaken each time a country ratifies a treaty with Canada respecting the Transfer of Offenders Act.

Few Canadians and fewer foreign nationals will be affected the ratification of an agreement with Canada. The subsequent changes to the Schedule will ensure that all interested parties are made aware of these changes.

**Classification:** Low cost

**Status:** This is a recurring initiative.

**Contact:** Ian Blackie, A/Director, Institutional Policy, Corrections Branch, Department of the Solicitor General, 340 Laurier Avenue West, 11th Floor, Ottawa, Ontario, K1A 0P8.

Tel. (613) 991-2802; Fax (613) 990-8295.

#### SGC-2

##### **Psychoactive Substance Control Act – Police Enforcement Regulations**

The Psychoactive Substance Control Act (currently Bill C-85) consolidates and replaces the Narcotic Control Act and Parts III and IV of the Food and Drugs Act. The bill provides for the fulfilment of Canada's international obligations under the Single Convention on Narcotic Drugs, the Convention on Psychotropic Substances, and some aspects of the Convention Against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances. The bill also provides for the making of enforcement-related regulations on the recommendation of the Solicitor General. The proposed regulations will provide for specialized investigative techniques such as controlled deliveries and similar measures to support implementation of the Act. The costs associated with the proposed regulations will add incrementally to the cost of RCM and other police enforcement of the Act but should be outweighed by the benefits derived from enhanced enforcement.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Ronald W. Dykeman, Senior Advisor, Enforcement Powers and Legislation, RCMP and Enforcement Policy Division, Police and Security Branch, Department of the Solicitor General, Ottawa, Ontario, K1A 0P8.

Tel. (613) 990-2633; Fax (613) 991-9486.

### National Parole Board

#### NPB-1

##### **Conditional Release and Detention Regulations: Hearing Requirements**

The Corrections and Conditional Release Act, Part II, with supporting regulations, was proclaimed November 1, 1992. Experience has demonstrated the advantage of regulatory amendments that would contribute to the implementation of the purposes and principles enunciated in the Act in a more effective and efficient manner.

Amendment of the requirement for a review by way of a hearing for applications for escorted and unescorted temporary absences for offenders with life minimum, death commuted to life imprisonment and indeterminate sentences will be proposed. Regulations would continue to require a hearing when the review could result in a first temporary absence release when no previous hearing had been held. Experience has shown that many such applications do not lead to release and considerable resources are required to hold such hearings. The National Parole Board would, by policy, establish criteria which would determine when a grant might be possible and a hearing required.

The Board would consult with the Correctional Service of Canada. However, the impact of this amendment would primarily be in resource savings for the Board.

This amendment is in the early stages of development and the estimated financial benefit has not been calculated.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** James E. Coflin, Director General, Policy, Evaluation and Audit Branch, National Parole Board, 340 Laurier Avenue West, Ottawa, Ontario, K1A 0R1.

Tel. (613) 954-6132; Fax (613) 995-4380.

#### NPB-2

##### **Conditional Release and Detention Regulations: Voting Requirements**

An amendment will be proposed to establish the minimum number of votes required for all National Parole Board decisions at one vote. The National Parole Board would, by policy, require additional

votes on certain types of decisions and classes of cases, as deemed necessary.

This amendment would allow flexibility in the operations of the National Parole Board and result in significant savings in operating costs.

The Board would consult with provincial and territorial governments where the National Parole Board is the decision-making authority, with the provincial boards of parole in British Columbia, Ontario and Quebec, and with interested parties in the criminal justice system.

This amendment is in the early stages of development and the estimated financial benefit has not been calculated.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** James E. Coflin, Director General, Policy, Evaluation and Audit Branch, National Parole Board, 340 Laurier Avenue West, Ottawa, Ontario, K1A 0R1.

Tel. (613) 954-6132; Fax (613) 995-4380.

### NPB-3

#### **Designation of Penitentiaries Regulations: Additions**

Additions may be proposed to the list of institutions that are designated as penitentiaries for purposes of orders of residency made under paragraph 130(3)(b) of the Corrections and Conditional Release Act.

Amendments to these regulations are sought following a request from the Correctional Service of Canada, which is responsible for these initiatives.

**Classification:** Low cost

**Status:** This is a recurring initiative.

**Contact:** Christopher Trowbridge, Acting Chief, Policy Development and Support Division, Policy, Evaluation and Audit Branch, National Parole Board, 340 Laurier Avenue West, Ottawa, Ontario, K1A 0R1.

Tel. (613) 954-5912; Fax (613) 995-4380.

## **Correctional Service of Canada**

### CSC-1

#### **Disclosure of Information to Victims**

Subsection 5(2) of the regulations gives staff members, who are assigned responsibility in the Commissioner's Directives for liaison with victims the authority to disclose information to victims under section 26 of the Act.

The definition of the class of persons having this authority has been found to be inconsistent with operational requirements. The officials responsible for coordinating victim liaison services at the

regional level are not the staff who, on a day-to-day basis, are contacted by victims requesting specific information about offenders. Such staff are located in institutions and parole offices and have immediate access to the information being sought. It is therefore proposed that the authority for release of information to victims be included under the general authorization provisions of subsection 5(1). This would enable an operationally appropriate designation of staff members disclosing information to victims to be made in Commissioner's Directives.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Doug McMillan, Director, Policy, Planning and International Development, Communications and Corporate Development, Correctional Service of Canada, Ottawa, Ontario, K1A 0P9.

Tel. (613) 995-1383; Fax (613) 995-3603.

### CSC-2

#### **Classification of Inmates**

Section 18 of the regulations sets out a basis for classifying inmates as maximum, medium or minimum security. Requisite criteria relating to risk of escape, risk to safety of the public and need for supervision and control within the institution are defined for each security level. However, these criteria fail to acknowledge adequately the dynamic nature of risk assessment, and in particular they assume that risk of escape and risk to the public can be treated separately in all cases. The result has been an overly rigid classification structure that sometimes frustrates the placement of inmates in the most appropriate security setting.

Section 18 also works against section 17. This section simply identifies the risk-related factors that are to be taken into account in assigning classifications, without dictating how these factors are to be applied. Section 17 is considered to provide sufficient guidance for decision-makers for the purposes of guaranteeing that public safety is the overriding principle in the placement of inmates. It is therefore recommended that section 18 be revoked.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Doug McMillan, Director, Policy, Planning and International Development, Communications and Corporate Development, Correctional Service of Canada, Ottawa, Ontario, K1A 0P9.

Tel. (613) 995-1383; Fax (613) 995-3603.



**CSC-3****Urinalysis**

Sections 60 to 72 of the regulations prescribe a procedure of urine testing, known as urinalysis, for offenders under the authority of the Correctional Service of Canada. The purpose of conducting such testing is to reduce the incidence of substance abuse by both incarcerated offenders and those on conditional release in the community. The regulations contain stringent safeguards to protect the rights of individuals who are asked to undergo testing.

The current procedure requires every urine sample that is collected from an offender to be sent to an outside laboratory for analysis. Laboratory fees are substantial even when a sample tests negative. This inflates the overall cost of administering a program in which the primary focus is on detection of substance abuse through positive test results. Moreover, the usual waiting period of several days to obtain the results of a laboratory analysis can be disruptive to inmate program schedules.

The proposal is to amend the regulations to permit the use of a pre-screening procedure that would enable Service staff to conduct initial on-site tests of samples, using relatively inexpensive portable equipment. These tests would require the offender's voluntary consent. Only samples that tested positive in the pre-screening would be submitted to the laboratory for confirmatory analysis. A negative test in the pre-screening would result in no further action. An offender who tested negative would therefore not be subject to sanction and could immediately resume normal activities and participation in programs.

The technology to conduct on-site pre-screening tests is rapidly developing, and, as equipment of an acceptable standard becomes available, the Service expects to be able to realize significant cost savings as well as improve the effectiveness of the urinalysis program.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Doug McMillan, Director, Policy, Planning and International Development, Communications and Corporate Development, Correctional Service of Canada, Ottawa, Ontario, K1A 0P9.  
Tel. (613) 995-1383; Fax (613) 995-3603.

**CSC-4****Interception of Inmate Communications**

The Corrections and Conditional Release Act gives inmates the right to have reasonable contact with persons outside the penitentiary, subject to such

reasonable limits as are prescribed for protecting the security of the penitentiary or the safety of persons.

Section 94 of the regulations specifies the conditions in which authorization may be given to open and read letters to and from inmates or to listen to their telephone conversations and their conversations during visits. This section has caused operational problems because it does not adequately take into account the differences between communications which occur within the institution, such as conversations between inmates and their visitors, and those in which one of the parties is outside the institution, as is the case with mail or telephone conversations.

Visits occur within what is deemed to be the non-private environment of the penitentiary. The ability to monitor inmate-visitor conversations is essential because of the opportunity that they provide to arrange the smuggling of drugs or to plan other activities dangerous to the security of the institution. Not only are signs posted informing inmates and visitors that their conversations may be monitored, but a procedure is also being instituted to ensure both parties give written consent to this effect when applying for approval of visits. It is therefore proposed that subsection 94(1) be amended to exclude visits from the restrictions that it sets out applying to interception of communications. However, visits between inmates and persons designated as enjoying a right of privilege (parliamentarians, legal counsel, etc.) would still be afforded the protections under subsection 94(2).

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Doug McMillan, Director, Policy, Planning and International Development, Communications and Corporate Development, Correctional Service of Canada, Ottawa, Ontario, K1A 0P9.  
Tel. (613) 995-1383; Fax (613) 995-3603.

**CSC-5****Allowances to Released Offenders**

Subsection 120(3) of the regulations provides for the Service to grant an allowance to offenders on temporary absence, work release, parole, or statutory release to enable them to meet their basic material needs and to comply with the requirements of their release plan. The current wording, however, makes it appear that the Service is obliged to pay an allowance in all cases, even when the offender may, through wages or other income, have the means to be completely self-supporting. This was not the intent, and it is proposed that the subsection be amended to clarify that the Service will grant an

allowance in proportion to the offender's ability to contribute to meeting his or her expenses.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Doug McMillan, Director, Policy, Planning and International Development, Communications and Corporate Development, Correctional Service of Canada, Ottawa, Ontario, K1A 0P9.  
Tel. (613) 995-1383; Fax (613) 995-3603.

## CSC-6

### **Payment of Accidental Injury Compensation to Inmates or Former Inmates**

Section 128 of the regulations sets out the manner in which an award of compensation for a disability is to be paid out under the inmate accident compensation scheme. Normally, an award of more than \$10,000 is disbursed in monthly payments, whereas an award in that amount or less is paid out as a lump sum. At the request of the claimant, however, an exception can be made to authorize a lump-sum payout when the amount of compensation exceeds \$10,000, provided the claimant is no longer in custody. Subsection 129(3) makes such exceptions conditional on the claimant's financial situation first being examined to determine whether payment of a lump sum would be to the advantage of the claimant.

There is concern that the claimant's financial situation is not the only factor that should be considered in deciding whether to approve a lump-sum payment. Released inmates often undergo significant adjustment problems on their return to the community. Many are at risk to relapse into drug or alcohol abuse, and the availability of a large amount of money would simply precipitate such behaviour. It is therefore proposed that subsection 129(3) be amended to include the consideration of the claimant's general social circumstances as well as financial situation.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Doug McMillan, Director, Policy, Planning and International Development, Communications and Corporate Development, Correctional Service of Canada, Ottawa, Ontario, K1A 0P9.  
Tel. (613) 995-1383; Fax (613) 995-3603.

## CSC-7

### **Searches of Inmates**

Section 48 of the regulations sets out the circumstances in which a staff member of the same sex as the inmate may conduct a routine strip search of the inmate for the purpose of detecting contraband or other unauthorized objects. These

circumstances include the situation where an inmate is entering or returning to a penitentiary, but not where he or she is leaving the institution.

The lack of authority to strip search an inmate leaving a penitentiary creates significant risks, particularly where the inmate is on an escorted temporary absence. It is possible for an inmate to conceal a weapon capable of being used against the escort which would be undetectable except through a strip search. As well, from the point of view of consistency, there is no reason that section 48 should not parallel section 47, which provides for routine frisk searches of inmates entering, leaving or returning to a penitentiary. It is therefore proposed to amend section 48 to correct this omission.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Doug McMillan, Director, Policy, Planning and International Development, Communications and Corporate Development, Correctional Service of Canada, Ottawa, Ontario, K1A 0P9.  
Tel. (613) 995-1383; Fax (613) 995-3603.

## **Royal Canadian Mounted Police**

### RCMP-1

#### **RCMP Regulations 1988 – Code of Conduct**

The Royal Canadian Mounted Police Regulations 1988 will be amended to provide greater specificity relating to contraventions of the Code of Conduct in addition to providing a more structured code of conduct.

**Classification:** Low Cost

**Status:** This is a new initiative.

**Contact:** Supt. A.J. Gramolini, Internal Affairs Branch, Royal Canadian Mounted Police, 1200 Vanier Parkway, Ottawa, Ontario, K1A 0R2.  
Tel. (613) 993-2720; Fax (613) 952-0618.

### RCMP-2

#### **Transfer of RCMP Property Regulations**

This regulation will authorize the Commissioner of the RCMP to sell or otherwise transfer articles of clothing, kits or other materiel of the Force, other than classified materiel, to members, retired members, other police forces, museums, historical societies and persons engaged in the production of films and theatrical presentations. This initiative is a re-statement of a previous authority.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Federal Regulatory Plan as initiative RCMP-2.

**Contact:** Supt. R.A. MacAlister, Materiel Management Branch, Royal Canadian Mounted



Police, 1200 Vanier Parkway, Ottawa, Ontario, K1A 0R2.

Tel. (613) 993-3178; Fax (613) 993-0260.

#### RCMP-3

##### **RCMP Regulations 1988 – 78(2) and 78(3)**

Subsections 78(2) and 78(3) of the RCMP Regulations 1988 are to be amended to clarify which expenses incurred as a result of moving into or out of unfurnished accommodation provided by the Force are to be reimbursed to a member from public funds.

*Classification:* Low cost

*Status:* This initiative appeared in the 1993 Federal Regulatory Plan as initiative RCMP-8.

*Contact:* Supt. P.D.D. Hovey, Financial Control Branch, Royal Canadian Mounted Police, 1200 Vanier Parkway, Ottawa, Ontario, K1A 0R2.  
Tel. (613) 993-0910; Fax 942-7167.

#### RCMP-4

##### **RCMP Regulations 1988 – Political Activity**

The RCMP Regulations 1988 will be amended by the addition of provisions that will afford members of the Royal Canadian Mounted Police the right to participate in the political process as candidates in federal, provincial and municipal elections. Under this initiative, members will be given greater freedom to participate in day-to-day activities of political parties.

*Classification:* Low cost

*Status:* This initiative appeared in the 1993 Federal Regulatory Plan as initiative RCMP-9.

*Contact:* Supt. A.J. Gramolini, Internal Affairs Branch, Royal Canadian Mounted Police, 1200 Vanier Parkway, Ottawa, Ontario, K1A 0R2.  
Tel. (613) 993-2720; Fax (613) 952-0618.

### **RCMP External Review Committee**

#### ERC-1

##### **Rules of Practice and Procedure – New Amendment**

This initiative will result in the clarification of the rules in the light of new concerns raised during the statutory review process concerning the precision of the rule. Users of the rules will be better able to ascertain their meaning and scope.

The External Review Committee will be seeking an exemption from pre-publication on the basis that the rules of practice and procedure have no impact on the public.

*Classification:* Low cost

*Status:* The initiative appeared in the 1993 Federal Regulatory Plan as initiative number ERC-1.

*Contact:* Simon Coakeley, Executive Director, Royal Canadian Mounted Police External Review Committee, P.O. Box 1159, Station B, Ottawa, Ontario, K1P 5R2.

Tel. (613) 990-1860; Fax (613) 990-8969.

### **Future Initiative**

#### **RCMP Regulations 1988**

The Royal Canadian Mounted Police Regulations 1988 were introduced in June 1988 in conjunction with the proclamation of substantial amendments to the Royal Canadian Mounted Police Act. As a result of the ongoing review to these regulations and to respond to the statutory review process, miscellaneous amendments have been identified to improve the operation and clarity of these regulations. The impact of these amendments will be limited to members of the Royal Canadian Mounted Police.

*Contact:* Supt. A.J. Gramolini, Internal Affairs Branch, Royal Canadian Mounted Police, 1200 Vanier Parkway, Ottawa, Ontario, K1A 0R2.  
Tel. (613) 993-2720; Fax (613) 952-0618.

## **Supply and Services, Department of**

This department is now part of Public Works and Government Services.



# Transport, Department of

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## General Information

### Roles and Responsibilities

The Department of Transport carries out its role through a complex structure which includes a headquarters and four operating groups: Marine, Aviation, Airports and Surface Transportation, as well as a number of Crown corporations and agencies with varying degrees of autonomy. Because the nature of the department's operations and activities are dynamic, the Department of Transport's regulatory activity is one of the largest and most complex among government departments. The Policy and Co-ordination Group conducts substantive studies of the national transportation system in all its complexities and works with departmental components, the regulatory agency, federal and provincial departments, as well as carriers and users of the transportation system, to revise and update legislation to reflect current Canadian realities.

The major regulation-making activities of the department result from aviation, airports, marine and surface organization responsibilities for providing and operating transportation facilities and services and for ensuring compliance with operating or manufacturing standards and regulations. An important continuing aspect of these responsibilities is to ensure that the national transportation system meets the highest practicable safety standards.

Departmental components administer a multitude of charges, tariffs and fees, most of which are subject to ongoing review and revision to reflect such factors as changes in operating or administrative costs or the impact of changes in collective agreements.

The 1994 Federal Regulatory Plan is structured to reflect the organizational framework of the department. Differences in responsibilities, activities, enabling legislation and the segment of the transportation industry served, are recognized.

The provision of certain ferry services is also part of the Minister's mandate. As well, the Crown corporation provisions of the Financial

Administration Act have a significant impact on the interactions between CN, Marine Atlantic Inc., VIA Rail, the Canada Ports Corporation, other Crown corporations and departmental administration activity.

The Minister is either the sole shareholder or the designated Minister responsible to Parliament for the following Crown corporations:

- Canada Ports Corporation and Local Port Corporations (7)
- Canadian National
- Marine Atlantic Inc.
- Pilotage Authorities (4)
- St. Lawrence Seaway Authority
- VIA Rail Canada

### Legislative Mandate

The major statutes under the jurisdiction of the Minister of Transport are the following:

- Aeronautics Act
- Airports Transfer (Miscellaneous Matters) Act
- Arctic Waters Pollution Prevention Act
- Atlantic Region Freight Assistance Act
- Canada Ports Corporation Act
- Canada Shipping Act
- Canadian National Railways Act
- Carriage by Air Act
- Carriage of Goods by Water Act
- Coasting Trade Act
- Department of Transport Act
- Government Railways Act
- Hamilton Harbour Commissioners Act
- Harbour Commissions Act
- Marine Atlantic Inc. Acquisition Act
- Marine Insurance Act
- Maritime Code Act
- Maritime Freight Rates Act
- Motor Vehicle Fuel Consumption Standards Act
- Motor Vehicle Safety Act
- Motor Vehicle Tire Safety Act
- Motor Vehicle Transport Act, 1987
- National Transportation Act, 1987
- Navigable Waters Protection Act
- Non-Smokers' Health Act
- Pilotage Act
- Public Harbours and Port Facilities Act
- Railway Act
- Railway Safety Act
- Railway Relocation and Crossing Act
- Safe Containers Convention Act
- St. Lawrence Seaway Authority Act
- Shipping Conferences Exemption Act, 1987
- Toronto Harbour Commissioners Act
- Transportation of Dangerous Goods Act, 1992
- Western Grain Transportation Act



## Initiatives for 1994

### Departmental Administration

#### ■ Finance (Fees and Charges)

##### TC-1

#### **Fees for Aviation Regulatory Services**

Section 820 of the Air Regulations prescribes fees for aviation regulatory services provided by the Department of Transport to aircraft manufacturers, aircraft owners and operators, as well as individuals active in the aviation sector.

These fees are reviewed periodically and may be adjusted. Some new fees may be introduced.

The levels of any increases and new fees, and resulting increased cost for users of these services, are not known at this time. However, users will be consulted concerning any proposed changes to the fees.

**Classification:** Intermediate cost

**Status:** This is a recurring initiative.

**Contact:** Arthur Andreassen, Director, Cost Recovery Branch, Economic Evaluation and Cost Recovery Directorate, Department of Transport, Ottawa, Ontario, K1A 0N5.

Tel. (613) 990-3850; Fax (613) 990-6009.

##### TC-2

#### **Fees for Marine Regulatory Services**

The Department of Transport provides marine regulatory services to shipowners and operators, shipbuilders, and personnel active in the marine sector. The regulatory services include inspection and certification of ships, port warden inspections, ship tonnage surveys, ship registration, and certification of personnel. Fees for these services are stipulated under a number of regulations.

These fees are reviewed periodically and may be adjusted. Some new fees may be introduced.

The levels of any increases and new fees, and resulting increased cost to users of these services, are not known at this time. However, users will be consulted concerning any proposed changes to the fees.

**Classification:** Intermediate cost

**Status:** This is a recurring initiative.

**Contact:** Arthur Andreassen, Director, Cost Recovery Branch, Economic Evaluation and Cost Recovery Directorate, Department of Transport, Ottawa, Ontario, K1A 0N5.

Tel. (613) 990-3850; Fax (613) 990-6009.

##### TC-3

#### **Air Services Charges**

The Air Services Charges Regulations set the charges for airport and en route services provided by the Department of Transport to aircraft owners and operators.

These fees are reviewed periodically and may be adjusted. Some new fees may be introduced.

The levels of any increases and new fees, and resulting increased cost to aircraft owners and operators, are not known at this time. However, users will be consulted concerning any proposed changes to the fees.

**Classification:** Major

**Status:** This is a recurring initiative.

**Contact:** Arthur Andreassen, Director, Cost Recovery Branch, Economic Evaluation and Cost Recovery Directorate, Department of Transport, Ottawa, Ontario, K1A 0N5.

Tel. (613) 990-3850; Fax (613) 990-6009.

##### TC-4

#### **Coast Guard Radio Station Charges**

The Coast Guard Radio Station Charges Regulations prescribe the charges payable for maritime radiotelephone and radiotelegram services provided by the Department of Transport's network of radio stations to link ships at sea with land-based communications systems such as telephone and telex.

These fees are reviewed periodically and may be adjusted.

The levels of any increases, and resulting increased cost to users of these services, are not known at this time. However, users will be consulted concerning any proposed changes to the fees.

**Classification:** Intermediate cost

**Status:** This is a recurring initiative.

**Contact:** Arthur Andreassen, Director, Cost Recovery Branch, Economic Evaluation and Cost Recovery Directorate, Department of Transport, Ottawa, Ontario, K1A 0N5.

Tel. (613) 990-3850; Fax (613) 990-6009.

##### TC-5

#### **Delegation of Authority to Prescribe Coast Guard Radio Station Charges to the Minister of Transport**

The Coast Guard Radio Station Charges Regulations prescribe the charges payable for maritime radiotelephone and radiotelegram services provided by the Department of Transport's network of radio stations to link ships at sea with land-based communications systems such as telephone and telex.

Currently these charges are prescribed under the authority of the Governor in Council on the recommendation of the Treasury Board. It is proposed to delegate the authority to prescribe these charges to the Minister of Transport, pursuant to paragraph 19(1)(b) of the Financial Administration Act. This change would reduce the administrative burden associated with future fee revisions and there will be no impact on users of the services. The delegation of authority will not result in any change in the requirements for consultation on, and prepublication of, future fee proposals.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Arthur Andreassen, Director, Cost Recovery Branch, Economic Evaluation and Cost Recovery Directorate, Department of Transport, Ottawa, Ontario, K1A 0N5.

Tel. (613) 990-3850; Fax (613) 990-6009.

#### TC-6

##### **Delegation of Authority to Prescribe Charges Payable for Plates, Decals, and Other Notices for Pleasure Boats to the Minister of Transport**

The Small Vessel Regulations prescribe the charges payable for the issue of plates, decals, and other notices for pleasure boats pertaining to the safe limits of engine power, recommended load capacity and compliance with construction standards.

Currently these charges are prescribed under the authority of the Governor in Council on the recommendation of the Treasury Board. It is proposed to delegate the authority to prescribe these charges to the Minister of Transport, pursuant to paragraph 19(1)(b) of the Financial Administration Act. This change would reduce the administrative burden associated with future fee revisions and there will be no impact on users. The delegation of authority will not result in any change in the requirements for consultation on, and prepublication of, future fee proposals.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Arthur Andreassen, Director, Cost Recovery Branch, Economic Evaluation and Cost Recovery Directorate, Department of Transport, Ottawa, Ontario, K1A 0N5.

Tel. (613) 990-3850; Fax (613) 990-6009.

## **Security and Emergency Planning Group**

#### TC-7

##### **Railway Security Regulations**

This initiative is intended to enhance the safety and security of the rail transportation system.

These regulations will authorize the Minister of Transport to prescribe security measures to be carried out by railway companies under normal and enhanced levels of threat. The regulations and prescribed security measures should not result in significant additional costs to the industry in normal threat levels. Additional costs in enhanced threat levels will depend on the nature and duration of the threats at hand. Costs to government will be for monitoring and enforcement of the regulations.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number TC-5.

**Contact:** Hal H. Whiteman, Director, Security Policy, Planning and Legislative Programs Branch, Department of Transport, Ottawa, Ontario, K1A 0N5.

Tel. (613) 990-9619; Fax (613) 996-6381.

#### TC-8

##### **Aerodrome Security Regulations**

The Aerodrome Security Regulations were promulgated in August 1987 and are the first regulations to govern security at airports in a comprehensive fashion. The department has initiated a review of the regulations and has determined that amendments are required to address issues that have arisen since their promulgation. Costs to industry (and to government in the case of the Department of Transport airports) will be determined as proposals for amendment are developed. Other costs to government will be for monitoring and enforcement of these regulations.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number TC-6.

**Contact:** Hal H. Whiteman, Director, Security Policy, Planning and Legislative Programs Branch, Department of Transport, Ottawa, Ontario, K1A 0N5.

Tel. (613) 990-9619; Fax (613) 996-6381.

#### TC-9

##### **Air Carrier Security Regulations**

The Air Carrier Security Regulations were promulgated in December 1987 and are the first regulations to govern air carrier security in a comprehensive fashion. The department has initiated a review of the regulations and has determined that amendments are required to address issues that have arisen since their promulgation. Costs to industry will be determined as proposals for amendment are developed. Costs to government will be those associated with the monitoring and enforcement of these regulations.



**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number TC-7.

**Contact:** Hal H. Whiteman, Director, Security Policy, Planning and Legislative Programs Branch, Department of Transport, Ottawa, Ontario, K1A 0N5.

Tel. (613) 990-9619; Fax (613) 996-6381.

## TC-10

### **Designated Provision Regulations**

Amendments to the Designated Provisions Regulations will be required following planned amendments to the Air Carrier Security Regulations and the Aerodrome Security Regulations, to provide for the assessment of administrative monetary penalties for violations. Administrative monetary penalties are the most appropriate and effective means of enforcing many provisions of these regulations and the preferred method for achieving compliance with certain aviation security requirements. They also enable effective use of limited inspection and enforcement resources. Costs to industry will depend upon the provision that is breached and the amount of penalty allocated.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number TC-8.

**Contact:** Hal H. Whiteman, Director, Security Policy, Planning and Legislative Programs Branch, Department of Transport, Ottawa, Ontario, K1A 0N5.

Tel. (613) 990-9619; Fax (613) 996-6381.

## **Policy and Co-ordination Group**

### TC-11

#### **Air Carrier Provision of Information Regulations**

Before the National Transportation Act (NTA) 1987, air carriers reported data under regulations of the Aeronautics Act. New regulations were required with the introduction of the new NTA. These were drafted and have been accepted by the carriers who are now reporting as required. Until the new regulations receive final approval, reporting is under the authority of the Statistics Act.

The new regulations reflect the government's commitment to reduced data collection and respondent burden under deregulation and, as a result, are expected to generate a cost-saving both to industry and to the government.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number TC-9.

**Contact:** Richard F. Hinchcliff, Director, Statistics and Forecasts Branch, Economic Analysis Directorate, Department of Transport, Ottawa, Ontario, K1A 0N5.

Tel. (613) 991-6482; Fax (613) 957-3280.

### TC-12

#### **Atlantic Region Selective Assistance Regulations**

These regulations will provide for the addition of commodities entitled to subsidization.

Manufacturers and producers located in the Atlantic provinces and the Gaspé Region of Quebec (east of Lévis and south of the St. Lawrence River) may receive a transportation subsidy to permit their commodities to compete with other manufacturers and producers located in the central Canada market area.

The anticipated impact of the amended regulations will be an additional 20 per cent reduction of freight costs for a few commodity items moving within the select territory. The number of items and amount of reduction will depend upon the number of applications received and approved by a screening committee of federal and provincial officials (Federal/Provincial Committee on Atlantic Region Transportation – F/P CART).

**Classification:** Intermediate cost

**Status:** This is a recurring initiative.

**Contact:** Bryan Allen, Senior Advisor, Atlantic Region, Intergovernmental Relations and Environmental Affairs Branch, Co-ordination Directorate, Department of Transport, Ottawa, Ontario, K1A 0N5.

Tel. (613) 991-6406; Fax (613) 991-6422.

### TC-13

#### **The Prevention of Substance Use in Transportation Regulations**

This policy initiative addresses the issue of alcohol or drug use by employees holding safety-sensitive positions in Canadian transportation.

Detailed research, including pertinent surveys, has been conducted on the nature and extent of substance use by safety-sensitive employees across all modes of transportation. The surveys indicated a level of usage similar to that of the Canadian population overall.

The policy establishes a comprehensive series of measures to prevent and deal with substance use in safety-sensitive positions, and thereby maintain and enhance the safety of the transportation system.

Amendments to a number of statutes under the jurisdiction of the Minister of Transport, including the Aeronautics Act, Pilotage Act, Canada Shipping Act,

and the Railway Safety Act, and new regulations, are contemplated.

Preliminary costs have been determined and will be absorbed by affected departments and industry. A cost analysis and resulting benefits-study of the policy will be conducted by the department to accompany the regulations.

Failure to enact this legislation could cause difficulties in cross-border trade with the United States where strict regulations are in effect to prevent substance use by employees in safety-sensitive positions, including truck drivers, pilots, ship crews and locomotive engineers.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number TC-10.

**Contact:** Ted Cherrett, Director General, Coordination Directorate, Department of Transport, Ottawa, Ontario, K1A 0N5.

Tel. (613) 991-6500; Fax (613) 998-6593.

#### TC-14

##### **Aviation War Risks Insurance Regulations**

The Marine and Aviation War Risks Act authorizes the Minister of Transport to provide aviation war risk insurance adequate to meet the needs of Canadian air commerce and the federal government in the event that war risk insurance was commercially unavailable on reasonable terms and conditions.

The Act empowers the Minister to enter into an agreement with any person or association for the insurance or reinsurance against any or all war risks. New regulations are required to carry out the purposes and provisions of the Act.

The need for federal government involvement in war risk insurance is due to a number of factors: commercial war risk insurance policies contain automatic cancellation clauses in the event of major war; the geographical coverage of commercial war risk insurance can be restricted upon reasonable notice to air carriers; and rates for commercial war risk insurance can be raised without limit upon reasonable notice to air carriers.

To date, the Governor in Council has not passed any regulations pursuant to the Act and the Minister has not entered into any insurance or reinsurance agreements in the area of aviation. In the area of marine transportation, an agreement exists between the Minister and the Canadian Shipowners Mutual Assurance Association, a private company which carries on the business of marine insurance. Under this agreement, the Minister agrees to insure as reinsurer of the Association all vessels to which the Act applies.

This program will not involve any new costs or economic implications for the industry.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number TC-12.

**Contact:** Brian Oliver, Senior Policy Advisor, Domestic Air Policy Branch, Air Policy and Programs Directorate, Department of Transport, Ottawa, Ontario, K1A 0N5.

Tel. (613) 993-3156; Fax (613) 991-6445.

#### TC-15

##### **Basic Westbound Truck Regulations\***

The Atlantic Region Freight Assistance Regulations made pursuant to the Atlantic Region Freight Assistance Act will be revoked and replaced.

The new regulations will allow the use of automated data processing equipment and eliminate the requirement to substantiate claims with copies of actual shipping documents. They will also remove the requirement for carriers to file tariffs with regulatory bodies and will make specific reference to contribution agreements to facilitate carrier submission of claims and electronic funds transfer.

The proposed regulations will ensure efficiency, accuracy and consistency in the processing and payment of freight assistance and will result in significant savings to both the federal government and affected industry by reducing administrative requirements in support of claims for assistance.

\* The title was changed to clarify area of application.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number TC-13.

**Contact:** Peter Hoisak, Rail Policy and Programs Branch, Surface Policy and Programs Directorate, Department of Transport, Ottawa, Ontario, K1A 0N5.

Tel. (613) 998-2687; Fax (613) 998-6286 or J. Keith Simpson, Director, Atlantic Region, National Transportation Agency, P.O. Box 6080, Moncton, New Brunswick, E1C 9L5.

Tel. (506) 851-2529; Fax (506) 851-7105.

#### TC-16

##### **Selective Westbound Regulations\***

The Atlantic Region Selective Assistance Regulations made pursuant to the Atlantic Region Freight Assistance Act will be revoked and replaced. The new regulations will allow the use of automated data processing equipment and eliminate the requirement to substantiate claims with copies of actual shipping documents. They will also remove the requirement for carriers to file tariffs with



regulatory bodies and will make specific reference to contribution agreements to facilitate carrier submission of claims and electronic funds transfer.

The proposed regulations will ensure efficiency, accuracy and consistency in the processing and payment of freight assistance and will result in significant savings to both the federal government and affected industry by reducing administrative requirements in support of claims for assistance.

\* The title was changed to clarify area of application.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number TC-14.

**Contact:** Peter Hoisak, Rail Policy and Programs Branch, Surface Policy and Programs Directorate, Department of Transport, Ottawa, Ontario, K1A 0N5.

Tel. (613) 998-2687; Fax (613) 998-6286 or J. Keith Simpson, Director, Atlantic Region, National Transportation Agency, P.O. Box 6080, Moncton, New Brunswick, E1C 9L5.

Tel. (506) 851-2529; Fax (506) 851-7105.

#### TC-17

##### **Intra Selective Assistance Regulations\***

The Atlantic Regional Special and Provisional Assistance Regulations made pursuant to the Atlantic Region Freight Assistance Act will be revoked and replaced.

The new regulations will allow the use of automated data processing equipment and eliminate the requirement to substantiate claims with copies of actual shipping documents. They will also remove the requirement for carriers to file tariffs with regulatory bodies and will make specific reference to contribution agreements to facilitate carrier submissions of claims and electronic funds transfer.

The proposed regulations will ensure efficiency, accuracy and consistency in the processing and payment of freight assistance and will result in significant savings to both the federal government and affected industry by reducing administrative requirements in support of claims for assistance.

\* The title was changed to clarify area of application.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number TC-15.

**Contact:** Peter Hoisak, Rail Policy and Programs Branch, Surface Policy and Programs Directorate, Department of Transport, Ottawa, Ontario, K1A 0N5.

Tel. (613) 998-2687; Fax (613) 998-6286 or J. Keith Simpson, Director, Atlantic Region, National Transportation Agency, P.O. Box 6080, Moncton,

New Brunswick, E1C 9L5.

Tel. (506) 851-2529; Fax (506) 851-7105.

#### TC-18

##### **Basic Westbound Rail Regulations\***

It is proposed to issue regulations pursuant to the Maritime Freight Rates Act, in order to enhance and expedite the process of administering the Act.

These regulations will allow the use of automated data processing equipment and eliminate the requirement to substantiate claims with copies of actual shipping documents, and will make specific reference to contribution agreements to facilitate carrier submission of claims and electronic funds transfer.

The proposed regulations will ensure efficiency, accuracy and consistency in the processing and payment of freight assistance and will result in significant savings to both the federal government and affected industry by reducing administrative requirements in support of claims for assistance.

\* The title was changed to clarify area of application.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number TC-16.

**Contact:** Peter Hoisak, Rail Policy and Programs Branch, Surface Policy and Programs Directorate, Department of Transport, Ottawa, Ontario, K1A 0N5.

Tel. (613) 998-2687; Fax (613) 998-6286 or J. Keith Simpson, Director, Atlantic Region, National Transportation Agency, P.O. Box 6080, Moncton, New Brunswick, E1C 9L5.

Tel. (506) 851-2529; Fax (506) 851-7105.

#### TC-19

##### **Railway Passenger Service Contract Regulations**

The regulations took effect in 1977 when VIA Rail was first established. The regulations stipulated the terms and conditions to govern contracts between the government and VIA, and between VIA, Canadian National and Canadian Pacific for the provision of rail passenger services.

During the past 15 years, conflicts have arisen between the spirit and intent of the regulations and the related contract arrangements, which in turn has resulted in uncertainty, tardiness and a failure to meet formal objectives in the management of the VIA program. On several occasions the Auditor General has examined these shortcomings and recommended that remedial action be taken.

Since events have overtaken the usefulness of the regulations and in some instances rendered them redundant, the Department of Transport will seek to have these regulations revoked.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number TC-17.

**Contact:** Luisa Sgobba, Rail Policy and Programs Branch, Surface Policy and Programs Directorate, Department of Transport, Ottawa, Ontario, K1A 0N5.

Tel. (613) 998-1888; Fax (613) 998-6286.

## **Canada Ports Corporation**

### **TC-20**

#### **Harbour Dues Tariff By-law**

Harbour dues by-laws made pursuant to the Canada Ports Corporation Act (C.R.C. 1978, c. 1063, SOR/84-428, SOR/85-107, SOR/84-416, SOR/87-174, SOR/85-988 and C.R.C. 1978, c. 1082 as amended) impose a toll on vessels coming into the harbours under the administration or jurisdiction of Canada Ports Corporation at Belledune, Baie des Ha! Ha!, Saguenay, Sept-Iles, Trois-Rivières, Port Colborne, Prescott and Churchill and the harbours under the administration or jurisdiction of Halifax, Montreal, Port of Quebec, Prince Rupert, Saint John, St. John's and Vancouver Port Corporations.

These tolls are reviewed annually and may be revised to reflect inflation.

**Classification:** Low cost

**Status:** This is a recurring initiative.

**Contacts:** Roza Aronovitch, Vice-President, Legal Services, Canada Ports Corporation, 99 Metcalfe Street, Ottawa, Ontario, K1A 0N6.  
Tel. (613) 957-6723; Fax (613) 957-6705.

David F. Bellefontaine, President and Chief Executive Officer, Halifax Port Corporation, Ocean Terminals, Halifax, Nova Scotia, B3J 2P6.

Tel. (902) 426-3643; Fax (902) 426-9277.

Dominic J. Taddeo, President and Chief Executive Officer, Montreal Port Corporation, Port of Montreal Building, Cité du Havre, Wing No. 1, Montreal, Quebec, H3C 3R5.

Tel. (514) 283-7042; Fax (514) 283-7019.

Ross Gaudreault, President and Chief Executive Officer, Port of Quebec Corporation, 150 Dalhousie Street, Quebec, Quebec, G1K 7P7.

Tel. (418) 648-3558; Fax (418) 648-4160.

Don Krusel, General Manager and Chief Executive Officer, Prince Rupert Port Corporation, 110-3rd Avenue West, Prince Rupert, British Columbia, V8J 1K8.

Tel. (604) 627-7545; Fax (604) 627-7101.

Ken R. Krauter, General Manager and Chief Executive Officer, Saint John Port Corporation, 133

Prince William Street, Saint John, New Brunswick, E2L 4R8.

Tel. (506) 636-4869; Fax (506) 636-4443.

David J. Fox, Port Manager and Chief Executive Officer, St. John's Port Corporation, 3 Water Street, St. John's, Newfoundland, A1C 5X8.

Tel. (709) 772-4582; Fax (709) 772-4689.

Capt. Norman C. Stark, President and Chief Executive Officer, Vancouver Port

Corporation, 1900-200 Granville Street, Vancouver, British Columbia, V6C 2P9.

Tel. (604) 666-8966; Fax (604) 666-8916.

### **TC-21**

#### **Montreal and Saint John Port Corporation Administrative By-laws**

These by-laws will regulate the internal administration of the corporations, their boards, officers and employees.

These by-laws will have no impact on the public.

**Classification:** Low cost

**Status:** This initiative appeared in the 1992 Regulatory Plan as initiative number TC-15.

**Contact:** Dominic J. Taddeo, President and Chief Executive Officer, Montreal Port Corporation, Port of Montreal Building, Cité du Havre, Wing No. 1, Montreal, Quebec, H3C 3R5.

Tel. (514) 283-7042; Fax (514) 283-7019.

Ken R. Krauter, General Manager and Chief Executive Officer, Saint John Port Corporation, 133 Prince William Street, Saint John, New Brunswick, E2L 4R8.

Tel. (506) 636-4869; Fax (506) 636-4443.

### **TC-22**

#### **Vancouver Harbour Dues By-law**

This by-law will impose a toll on vessels coming into Vancouver Harbour and will replace and revise the same toll currently imposed under the Pacific Harbour Dues Tariff By-law (C.R.C. 1978, c. 1082 as amended). This by-law will be similar to the existing by-law, but certain exemptions from the toll may be eliminated. This is an administrative change and is expected to have minimal cost impact to the industry.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number TC-21.

**Contact:** Capt. Norman C. Stark, President and Chief Executive Officer, Vancouver Port Corporation, 1900-200 Granville Street, Vancouver, British Columbia, V6C 2P9.

Tel. (604) 666-8966; Fax (604) 666-8916.



## TC-23

**Montreal Harbour Dues By-law**

This by-law will impose a toll on vessels coming into Montreal harbour and will replace and revise the same tolls currently imposed under the Harbour Dues Tariff By-law (C.R.C. 1978, c. 1063 as amended). This is an administrative change and is expected to have minimal cost impact to the industry.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1991 Regulatory Plan as initiative number 540-TC.

**Contact:** Dominic J. Taddeo, President and Chief Executive Officer, Montreal Port Corporation, Port of Montreal Building, Cité du Havre, Wing No. 1, Montreal, Quebec, H3C 3R5.  
Tel. (514) 283-7042; Fax (514) 283-7019.

## TC-24

**Saint John Tenders and Works Contracts By-law**

This by-law will regulate the award of works contracts by the Saint John Port Corporation.

It may change the value of contracts the port corporation may let without approval, but would have no impact on the public.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Ken R. Krauter, General Manager and Chief Executive Officer, Saint John Port Corporation, 133 Prince William Street, Saint John, New Brunswick, E2L 4R8.  
Tel. (506) 636-4869; Fax (506) 636-4443.

**St. Lawrence Seaway Authority**

## TC-25

**Seaway Regulations**

The regulations will be updated to reflect current operational requirements. The proposed changes are mainly of an administrative nature and are not expected to have a significant impact on users of the system.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number TC-23.

**Contact:** Norman B. Willans, Counsel, The St. Lawrence Seaway Authority, 1400-360 Albert Street, Ottawa, Ontario, K1R 7X7.  
Tel. (613) 598-4605; Fax (613) 598-4620.

**Airports Group**

## TC-26

**Airport Vehicle Parking Charges Regulations: Fee Changes**

The Airport Vehicle Parking Charges Regulations prescribe the fees to be charged for public vehicle parking at certain Department of Transport airports. Amendments will be proposed on an annual basis (September) in order to implement charges, to adjust existing charges to conditions at specific locations or to adjust rates to changes in government policy.

Added costs to users of parking spaces may be anticipated at certain airports. The fees would be structured to compare to those currently charged at similar parking facilities in the area served by the airport. These amendments will result in a net increase in revenue of approximately \$0.2 million per year (3.5 per cent) per applicable airport. The proposed fees could range from a reduction of 60 per cent to an increase of 71 per cent.

**Classification:** Intermediate cost

**Status:** This is a recurring initiative.

**Contact:** Arne Bjermeland, Product Analyst, Parking, Ground Transportation and Parking Branch, Commercial Development and Marketing Directorate, Department of Transport, Ottawa, Ontario, K1A 0N8.  
Tel. (613) 990-3687; Fax (613) 990-8889.

## TC-27

**Airport Ground Transportation Fees Regulations**

The Airport Ground Transportation Fees Regulations prescribe the fees to be charged for the privilege of providing a ground transportation service at a particular airport. The last amendment was published in the *Canada Gazette*, Part II on May 11, 1993.

Amendments have a minimal impact on the public at large but may impact on some of the operators who provide service at a particular airport.

Although it is not known in advance which permit fees at which airports will require changes, it is expected that an amendment to the regulations will be required each year for one or more airports. The requirement for amendments is dictated by varying local situations. There could be a need to introduce, change or delete fees charged to ground transportation operators, depending on the situation at a particular airport.

The amendments may result in the recovery of a greater proportion of costs incurred by the department in providing ground transportation facilities at a particular airport, may more equitably

distribute the costs among the operators at an airport or may indicate a change in authorizing commercial activity, but result in no increase in revenue to the department.

**Classification:** Intermediate cost

**Status:** This is a recurring initiative.

**Contact:** Connie Cochrane, Product Analyst, Ground Transportation, Ground Transportation and Parking Branch, Commercial Development and Marketing Directorate, Department of Transport, Ottawa, Ontario, K1A 0N8.

Tel. (613) 998-5167; Fax (613) 990-8889.

## TC-28

### **Airport Traffic Regulations: Administrative Amendments**

The Airport Traffic Regulations provide direction for the operation and control of motor vehicles, aircraft, equipment, the movement of pedestrians, the control of domestic animals, and related activities at airports.

As a result of an administrative evaluation and review of airport traffic requirements, the need for a number of amendments to permit the Department of Transport to effectively enforce the regulations has been identified.

There are no revenue increases or direct cost increases associated with these regulatory amendments.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number TC-26.

**Contact:** Richard J. Liberty, Chief, Airside Operations, Safety and Technical Services Directorate, Department of Transport, Ottawa, Ontario, K1A 0N8.

Tel. (613) 990-1418; Fax (613) 957-4260.

## **Aviation Group**

### TC-29

#### **Aerodromes: Air Regulations, Series III**

No. 1 – Aerodromes; No. 2 – Airports. These regulations form part of the review and revision of aeronautics legislation currently being carried out by the department. They will consolidate, update and augment existing regulations in order to reflect advances in technology and experience with respect to the certification, operation, physical characteristics, marking and lighting of facilities used for the take-off and landing of aircraft. The series incorporates the following publications: Aerodrome Standards and Recommended Practices, Canada Flight Supplement, Procedures

for the Certification of Aerodromes as Airports, Heliport and Helideck Standards and Recommended Practices, Water Aerodrome Supplement, and the Water/Ice Standards and Recommended Practices. Amendments are expected to be made to these publications.

The anticipated impact of these regulations on the Canadian economy as a whole is minimal as they codify existing regulatory provisions. The aeronautics industry, the main sector of the economy that will be affected, has been extensively consulted on this initiative and, in particular, on all proposed changes.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number TC-30.

**Contact:** Dean Broadfoot, Chief, Air Navigation Policies and Standards Division, Air Navigation System Requirements Branch, Air Navigation System Directorate, Department of Transport, Ottawa, Ontario, K1A 0N8.

Tel. (613) 991-9921; Fax (613) 998-7416.

### TC-30

#### **General Operating and Flight Regulations: Air Regulations, Part VI**

No. 1 – Interpretation and Application; No. 2 – Airspace Structure and Classification; No. 3 – Aircraft Requirements; No. 4 – Pre-Flight Inspections; No. 5 – Aviation Facilities and Services; No. 6 – Operational Flight Planning; No. 7 – Flight Plan Filing; No. 8 – Transportation of Passengers: Private Aeroplanes; No. 16 – General Flight Rules; No. 17 – Towing; No. 18 – Aerobatic Manoeuvres; No. 19 – Special Aviation Events; No. 20 – Sport Aviation; No. 21 – Operation on or in the Vicinity of an Aerodrome; No. 22 – Emergencies; No. 23 – Signals and Markings; No. 24 – Aircraft Lights; No. 25 – Marshalling Signals; No. 26 – ADIZ; No. 27 – SCATANA Rules; No. 28 – General Aeronautical Communications; No. 29 – Use of Equipment; No. 31 – Aircraft Speed Limit; No. 32 – Altimeter Setting and Operating Procedures; No. 33 – Sonic and Supersonic Flight; No. 34 – Special Purpose Operation; No. 35 – Aircraft Operation on Water; No. 36 – Cruising Altitude; No. 37 – General Visual Flight Rules (VFR); No. 38 – Special VFR Flight; No. 39 – VFR Procedures at Designated Airports; No. 42 – VFR Communications; No. 43 – Controlled VFR; No. 44 – General Instrument Flight Rules (IFR); No. 45 – IFR Communication; No. 46 – Speed Adjustment – Radar Vectors; No. 47 – Altitudes and Obstacle Clearance; No. 48 – IFR – Position Reports; No. 49 – IFR Separation: Non-radar; No. 50 – Instrument Approach Procedures and IFR



Minima; No. 51 – Flight Plan Closing; No. 52 – ELT Checks; No. 53 – Reports or Log Entries; No. 54 – Securing of Aircraft; No. 55 – Overdue Aircraft. These regulations are part of the review and revision of the aeronautics legislation currently being carried out by the department. They consolidate various regulations, Orders and departmental policies and practices that govern an individual's conduct while operating an aircraft. The series incorporates the following publications: AIP (Aeronautical Information Publication) Canada, Airworthiness Manual, Canada Air Pilot, Canada Flight Supplement, Designated Airspace Handbook, Engineering and Inspection Manual, Manual of All Weather Operations, and the Personnel Licensing Handbook. Amendments are expected to be made to these publications.

The anticipated impact of these regulations on the Canadian economy as a whole is minimal as they codify existing regulatory provisions. The aeronautics industry, the main sector of the economy that will be affected, has been extensively consulted on this initiative and, in particular, on all proposed changes.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number TC-29.

**Contact:** Don McDonald, Regulatory Renewal Project, Aeronautical Legislation and Regulations Branch, Aviation Regulation Directorate, Department of Transport, Ottawa, Ontario, K1A 0N8. Tel. (613) 991-3993; Fax (613) 991-4069 and Dean Broadfoot, Chief, Air Navigation Policies and Standards Division, Air Navigation System Requirements Branch, Air Navigation System Directorate, Department of Transport, Ottawa, Ontario, K1A 0N8. Tel. (613) 991-9921; Fax (613) 998-7416.

#### TC-31

##### **Commercial Air Service Regulations: Air Regulations, Part VII**

No. 1 – Interpretation and Application; No. 2 – Large Aeroplanes; No. 3 – Small Aeroplanes; No. 4 – Specialty Operations; No. 5 – Flight Training Units; No. 6 – Rotorcraft; No. 7 – Flight Operations; No. 8 – Aircraft Maintenance; No. 9 – Certification. These regulations form part of the review and revision of the aeronautics legislation currently being carried out by the department. They consolidate existing regulations, orders and departmental policies relating to the certification and operation of commercial air services. The series incorporates the following publications: Air Carrier Check Pilot Manual, Airworthiness Manual, Canada Air Pilot, Designated Airspace Handbook, and the Personnel

Licensing Handbook. Amendments are expected to be made to these publications.

The anticipated impact of these regulations on the Canadian economy as a whole is minimal as they codify existing regulatory provisions. The aeronautics industry, the main sector of the economy that will be affected, has been extensively consulted on this initiative and, in particular, on all proposed changes.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number TC-28.

**Contact:** Don McDonald, Regulatory Renewal Project, Aeronautical Legislation and Regulations Branch, Aviation Regulation Directorate, Department of Transport, Ottawa, Ontario, K1A 0N8. Tel. (613) 991-3993; Fax (613) 991-4069.

#### TC-32

##### **Bilingual Flight Announcements: Air Navigation Orders, Series VII, Nos. 2, 3 and 6**

These Orders will be amended to require that air carriers establish procedures to ensure that all passengers on board an aircraft are provided with a standard oral safety briefing by a crew member, or by means of a pre-recorded audio tape or with an audio-visual safety briefing. The briefing is to be provided in both official languages, in specific circumstances, in accordance with the Official Languages Act.

These amendments will enhance aviation safety. Passengers who have increased safety knowledge are more likely to react positively during an emergency.

There will be little or no economic impact for those carriers already providing bilingual service. However, for other carriers there will be costs incurred in equipping aircraft with public address (PA) systems and training personnel to enable them to provide the required briefings. It is anticipated that the cost to train a crew member will, depending on his/her level of proficiency in the other language, be between \$2,400 and \$4,700. The cost of adding a tape playback facility to an aircraft is expected to be between \$2,000 and \$5,000 and to retrofit an entire PA system \$15,000.

**Classification:** Major

**Status:** This initiative appeared in the 1992 Regulatory Plan as initiative number TC-37.

**Contact:** Frances Holden A/Chief, Cabin Safety Standards, Air Carrier Standards and Operations Branch, Aviation Regulation Directorate, Department of Transport, Ottawa, Ontario, K1A 0N8. Tel. (613) 990-1048; Fax (613) 954-1602.

## TC-33

**Annual Airworthiness Information Reporting Regulations: Air Regulation 222; Certificate of Airworthiness Order: Air Navigation Order, Series II, No. 4**

The existing Air Navigation Order, Series II, No. 4, Certificate of Airworthiness Order, provides that every aircraft Certificate of Airworthiness expires on the anniversary of the date of issue of the certificate, unless the Condition and Conformity Inspection (CCI) procedure has been done. As the inspection is now redundant because of other regulatory changes, the Order will be amended to delete the CCI procedure. There is still a need, however, for the reporting of information, which is part of the CCI procedure. Consequently, a new regulation will be introduced to require the submission of an Annual Airworthiness Information Report (AAIR). The Airworthiness Manual will be amended to reflect the change in requirement.

The amendments will have no significant effect on the commercial operators as they routinely maintain a data collection and submit reports in accordance with the Air Carrier Regulations. Private owners and small operators will benefit by the cancellation of the CCI Procedure, which necessitated an annual test flight by a licensed pilot and a certified inspection by an Aircraft Maintenance Engineer.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Maher Khouzam, Chief, Airworthiness Standards, Airworthiness Branch, Aviation Regulation Directorate, Department of Transport, Ottawa, Ontario, K1A 0N8.

Tel. (613) 990-2738; Fax (613) 996-9178.

## TC-34

**Omnibus Amendment: Air Regulations 101, 104, 211, 215, 216, 220, 403, 407, 410, 509, 520, 533, 535, 536, 542, 557, 704, 705, 800, 806, 810, 818; Air Navigation Orders, Series IV, No. 2; Series V, Nos. 10 and 22**

As a result of the departmental regulatory review, eleven sections or subsections of the regulations were recommended for revocation. It was also recommended that a number of housekeeping amendments be made.

These are revocations or housekeeping amendments and no other alternatives were considered.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Françoise Meloche, Aeronautical Legislation and Regulations Branch, Aviation Regulation Directorate, Department of Transport,

Ottawa, Ontario, K1A 0N8.

Tel. (613) 990-1204; Fax (613) 990-1198.

## TC-35

**Air Regulations, Series I, Nos. 1, 2 and 3; Series II, Nos. 1, 2, 3 and 4**

These regulations will be amended by changing them from Series to Parts. They will be renumbered and reformatted. Sections 100, 101, 102, 103, 104, 805, 807, 808, 809, 811, 818, 819, 820 of the Air Regulations will be incorporated into Series I.

These are housekeeping amendments and no other alternatives were considered.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Grant Mazowita, Director, Legislation and Compliance Branch, Aviation Regulation Directorate, Department of Transport, Ottawa, Ontario, K1A 0N8.

Tel. (613) 990-1224; Fax (613) 990-1198.

## TC-36

**Airport Zoning Regulations**

These regulations or amendments address problems of radio interference, limit the height of buildings, structures and objects, including objects of natural growth, and prohibit waste disposal sites on lands adjacent to or in the vicinity of the airports. Initiatives are planned for the following locations: Bathurst, Cartierville, Chatham (New Brunswick), Cornwall, Creston, Deer Lake, Edmonton, Fort Frances, Fort Liard, Fort Resolution, Geraldton, Goderich, Hamilton, Holman, Langley, London, McDonald-Cartier, Moncton, Montreal (Dorval), Nanaimo, Penticton, Pickering, Port Hardy, Prince George, Red Lake, Sachs Harbour, St. John's (Newfoundland), Sioux Lookout, Stephenville, Stratford, Terrace, Teslin, Thunder Bay, Toronto Island, Toronto Pearson, Vernon, Victoria, Wabush, Windsor, Wrigley and Yarmouth.

These regulations or amendments only affect those landlords who hold property adjacent to, or in the immediate vicinity of, the airports and have no impact on the general society or the economy. The impact will be increased safety for aircraft manoeuvring in the vicinity of the airport.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number TC-40.

**Contact:** Michael G. Redmond, Senior Law Clerk, Legal Services, Department of Transport, Ottawa, Ontario, K1A 0N5.

Tel. (613) 990-5794; Fax (613) 990-5777.



## **Marine Group**

### **■ Canadian Coast Guard**

#### **TC-37**

##### **Certification Regulations**

These regulations are required as a result of amendments to the Canada Shipping Act. They will also implement the provisions of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978. All current regulations dealing with qualifications for ships' personnel are to be revoked and their provisions amended to reflect the above Convention. The existing regulations will be consolidated into these Certification Regulations.

As these sections are largely a consolidation of existing regulations, changes are limited to those provisions which implement the Convention and which are not presently a feature of the Canadian crew certification system. This regulatory initiative is designed to increase the safety of ship operations by improving the qualifications and proficiency of key crew members. The total estimated cost to government and industry of these additional measures is \$23.5 million over a five year period or approximately \$4.7 million annually.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number TC-42.

**Contact:** John G. Daniels, Chief, Marine Crews and Training Branch, Ship Safety, Canadian Coast Guard, Department of Transport, Ottawa, Ontario, K1A 0N7.  
Tel. (613) 991-3117; Fax (613) 998-0637.

#### **TC-38**

##### **Crewing Regulations (Manning Regulations)**

These regulations are required as a result of amendments to the Canada Shipping Act. In concert with the revision of the Certification Regulations, all four current regulations dealing with the manning of ships, and the carriage of these certificated persons are to be revoked and their provisions consolidated in these regulations. These regulations will also address concerns raised by the Standing Joint Committee for the Scrutiny of Regulations.

As these sections are almost wholly a consolidation of existing provisions, there will be no significant social impact or economic cost.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number TC-41.

**Contact:** John G. Daniels, Chief, Marine Crews and Training Branch, Ship Safety, Canadian Coast Guard, Department of Transport, Ottawa, Ontario, K1A 0N7.

Tel. (613) 991-3117; Fax (613) 998-0637.

#### **TC-39**

##### **Medical Examination of Seafarers Regulations**

These regulations are a revision of existing regulations, updated to reflect obligations respecting the medical examinations associated with the issue of masters, mates, engineers and ratings qualifications under the Convention on Standards of Certification, Training and Watchkeeping (STCW), and maintaining obligations under the International Labour Organization's Convention No. 73. The medical examination standards associated with these regulations have also been revised to reflect current industrial circumstances and rights legislation.

The annual cost to seafarers will vary between an estimated \$20.00 and \$60.00, depending on age. Ultimately, it is expected that some 35,000 persons will become subject to these regulations. Administrative costs to the department are estimated as \$190,000.00 annually.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number TC-43.

**Contact:** John G. Daniels, Chief, Marine Crews and Training Branch, Ship Safety, Canadian Coast Guard, Department of Transport, Ottawa, Ontario, K1A 0N7.  
Tel. (613) 991-3117; Fax (613) 998-0637.

#### **TC-40**

##### **Life Saving Equipment Regulations**

This amendment is a safety-related issue which addresses life-saving equipment on ships. A major revision to Chapter III of the Safety of Life at Sea Convention 1974 (SOLAS) became effective on July 1, 1986. Canada is a signatory of this Convention and thus has to comply with the new requirements. A revision of the subject regulations will bring Canadian legislation in line with SOLAS.

The amended regulations will be easier for the user to understand. Canadian ships will be accepted in foreign Convention ports as being in compliance and Canadian manufacturers of life-saving equipment will meet international standards, enabling them to sell abroad. Passengers and crews of Canadian ships will, therefore, be better protected in the event of a marine emergency. Additional costs incurred or savings achieved by these regulations will essentially neutralize each other.

Greater equipment flexibility will be available to the shipowner. The amendments apply mainly to new and to Convention ships. Existing vessels will be affected to a lesser degree.

**Classification:** Major

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number TC-47.

**Contact:** Réjean Lanteigne, Chief, Ship Operations Branch, Ship Safety, Canadian Coast Guard, Department of Transport, Ottawa, Ontario, K1A 0N7.

Tel. (613) 991-3131; Fax (613) 993-8196.

## TC-41

### **Ship Station Technical Regulations: VHF**

This amendment is directly related to the proposed Life Saving Equipment Regulations (LSER) amendment. It addresses a safety-related issue concerning lifesaving equipment on ships. An amendment to the LSER will require certain Canadian ships to carry one or more portable two-way VHF radiotelephones for communications between survival craft and ship and between ship and rescue boat. The apparatus will be portable and designed for use in an emergency by an unskilled person.

Passengers and crews of Canadian ships will be better protected in the event of a marine emergency because they will have an effective means of communication with search and rescue forces. Additional costs imposed by this amendment are estimated to be about \$1,000.00 per unit for those ships required to comply with the regulations.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number TC-48.

**Contact:** William (Bill) C.T. Spence, Chief, Marine Communications,

Telecommunications and Electronics, Canadian Coast Guard, Department of Transport, Ottawa, Ontario, K1A 0N7.

Tel. (613) 998-1564; Fax (613) 998-9258.

## TC-42

### **Hull Construction Regulations: Various Amendments**

This initiative is intended to amend the Hull Construction Regulations and consists of five parts: the Hull Construction Regulations are amended to convert the units of measurement from imperial to metric; Schedule III, Construction of Watertight Bulkheads, has been revoked; references to the new Marine Machinery Regulations, which came into force on May 1, 1990, have been updated and, where duplication of requirements existed in both

regulations, they have been deleted from the Hull Construction Regulations; a review by the Standing Joint Committee for the Scrutiny of Regulations demonstrated the need to make certain changes which are intended to clarify the scope of the approval power vested in the chairman of the Board. For example, where the regulations prescribed a product "to be of an approved type", the standard under which it is to be approved has been incorporated in the regulations; requirements to fit double bottoms in passenger vessels of 50 metres in length and over have been modified to incorporate the requirements of the International Convention for the Safety of Life at Sea, 1974 (SOLAS). Also, new requirements for double bottoms for new berthed passenger vessels of 24 metres in length and over have been added.

There will be no adverse economic or social impacts resulting from the conversion to the metric system because this step does not involve any alteration of the basic requirements or any additional equipment. The main benefits resulting from revocation of Schedule III, Construction of Watertight Bulkheads are simplification and ease of reference to the regulations. With regard to the references to the new Marine Machinery Regulations, there will be no adverse economic or social impacts. Similarly, for the recommendations made by the Standing Joint Committee for the Scrutiny of Regulations, there will be no adverse economic or social impacts. The initiative on double bottoms is designed to increase the safety of passengers on Canadian vessels. It will also help to prevent the loss of these vessels in minor damage conditions. The present requirements are for vessels of 60 metres in length and over, and this amendment will apply to new ships of 50 metres in length and over, and also to new berthed passenger vessel of 24 metres in length and over. There will be minimal economic impacts on the design and construction of new vessels. These amendments are not expected to have any significant impact on shipowners and shipyards.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number TC-49.

**Contact:** Normand Breton, Senior Surveyor, Regulations Development, Ship Safety, Canadian Coast Guard, Department of Transport, Ottawa, Ontario, K1A 0N7.

Tel. (613) 991-3172; Fax (613) 954-4916.



## TC-43

**Declaration of Public Harbour: Cornwall**

It is intended to declare by order of the Governor in Council, the harbour at Cornwall, Ontario, as a public harbour.

The declaration of Cornwall as a public harbour will allow the application of the Public Harbours Regulations which will regulate vessel activity and provide for the imposition of harbour dues. This initiative will also allow for the appointment of a Harbour Master to oversee the day-to-day operations of the public harbour, thus contributing to the attainment of safety and security objectives. This initiative will thus have a minor impact on the users of the harbour at Cornwall.

*Classification:* Low cost

*Status:* This initiative appeared in the 1993 Regulatory Plan as initiative number TC-58.

*Contact:* Jim Quinn, A/Director, Program Management Branch, Harbours and Ports, Canadian Coast Guard, Department of Transport, Ottawa, Ontario, K1A 0N7.  
Tel. (613) 993-5792; Fax (613) 954-0838.

## TC-44

**Public Harbours Regulations: Major Amendments**

Due to technological advances, amendments to the Public Harbours Regulations are required. The wording will be changed to make the regulations more appropriate to current operational circumstances and will take into account the recommendations of the regulatory review. Amendments will be made to certain sections relating to the handling of dangerous goods at public harbours in order to improve safety. The regulations will be clearer and simpler for the users. There are no additional costs associated with this initiative.

*Classification:* Low cost

*Status:* This initiative appeared in the 1993 Regulatory Plan as initiative number TC-55.

*Contact:* Jim Quinn, A/Director, Program Management Branch, Harbours and Ports, Canadian Coast Guard, Department of Transport, Ottawa, Ontario, K1A 0N7.  
Tel. (613) 993-5792; Fax (613) 954-0838.

## TC-45

**Government Wharves Regulations: Major Amendments**

Due to technological advances, amendments to the Government Wharves Regulations are required. The wording will be changed to make the regulations more appropriate to current operational

circumstances and will take into account the recommendations of the regulatory review. The regulations will be clearer and simpler for the users. There are no additional costs associated with this initiative.

*Classification:* Low cost

*Status:* This initiative appeared in the 1993 Regulatory Plan as initiative number TC-56.

*Contact:* Jim Quinn, A/Director, Program Management Branch, Harbours and Ports, Canadian Coast Guard, Department of Transport, Ottawa, Ontario, K1A 0N7.  
Tel. (613) 993-5792; Fax (613) 954-0838.

## TC-46

**Timber Deck Cargo Regulations**

These regulations apply to all ships loading timber cargoes on deck in Canada, consigned to any place that is outside of Canada, and is not a place within the limits of an inland voyage.

These regulations require updating to reflect the requirements of the International Maritime Organization (IMO) Code of Safe Practice for Ships Carrying Timber Deck Cargoes, 1991, and national requirements. The amended regulations will require timber on deck to be loaded and transported in accordance with the updated requirements of the new International Code and will be more fully harmonized with the requirements for timber deck cargoes contained in the Load Line Convention.

This initiative will have impact on shipowners, ship operators, charterers and stevedoring companies. No additional costs will be incurred by any party as a result of this initiative.

*Classification:* Low cost

*Status:* This is a new initiative.

*Contact:* Jan Zwaan, Marine Surveyor, Ship Control and Operational Safety, Ship Safety, Canadian Coast Guard, Department of Transport, Ottawa, Ontario, K1A 0N7.  
Tel. (613) 991-3142; Fax (613) 993-8196.

## TC-47

**Grain Cargo Regulations**

These regulations, which are made pursuant to the Canada Shipping Act, apply to all ships loading grain in Canada consigned to any place that is outside Canada and is not a place within the limits of an inland voyage. These regulations reflect the provisions regarding the carriage of grain, as contained in the International Convention for the Safety of Life at Sea (SOLAS), to which Canada is a signatory, and national requirements.

The new "International Code for the Safe Carriage of Grain in Bulk" incorporates existing International

Maritime Organization (IMO) Circulars and letters that reflect modifications which have evolved since the last international requirements for the carriage of grain were enacted in 1974 (SOLAS).

At a recent meeting of the Maritime Safety Committee of the International Maritime Organization, it was resolved that the provisions of SOLAS affecting the carriage of grain would be amended and enter into force on January 1, 1994. The Grain Cargo Regulations must therefore be amended to reflect the new international requirements. When amended, they will enable persons involved in the loading and carriage of grain to more readily comprehend what is required and enable ships to be loaded in accordance with the International Code.

This initiative will have impact on shipowners, ship operators, charterers and stevedoring companies. No additional costs will be incurred by any party as a result of this initiative.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Richard Day, Senior Marine Surveyor, Ship Control and Operational Safety, Ship Safety, Canadian Coast Guard, Department of Transport, Ottawa, Ontario, K1A 0N7.  
Tel. (613) 991-3144; Fax (613) 993-8196.

## TC-48

### Boating Restriction Regulations

These routine amendments, including some housekeeping measures, are made to improve the safety of boating activities on specified bodies of water as requested by participating provinces. Requests for amendments to schedules for the restriction of boating on specified waters are submitted by these provinces on a semi-annual basis.

These amendments will improve the safety of navigation on designated waters. There will be no cost to the federal government and a minor cost to the provinces or municipalities requesting the restrictions (costs of erecting signs, police enforcement).

**Classification:** Low cost

**Status:** This is a recurring initiative.

**Contact:** S.J. Wylie Stewart, Superintendent, Equipment and Operations, Ship Operations Branch, Ship Safety, Canadian Coast Guard, Department of Transport, Ottawa, Ontario, K1A 0N7.  
Tel. (613) 998-0664; Fax (613) 993-8196.

## TC-49

### Collision Regulations: Rule 46

This proposed amendment to Rule 46 addresses concerns of the small fishing vessel industry and operators of other small craft.

The amendment will exempt small vessels of less than 15 metres in length from the requirements to carry alternate navigation lights.

There will be no adverse effects to safety arising from this amendment and there will be a cost saving to the operators of such vessels.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Dave G. Jenkins, Senior Surveyor, Equipment and Navigation Safety, Ship Safety, Canadian Coast Guard, Department of Transport, Ottawa, Ontario, K1A 0N7.  
Tel. (613) 991-3137; Fax (613) 998-8196.

## TC-50

### Arctic Shipping Pollution Prevention Regulations (ASPPR)

The Coast Guard has received a request to renew the current extension of the navigation season for certain vessels operating in the Arctic. This extension is being considered by the Coast Guard as a means to continue the experimental trial and research of proposed new provisions to the ASPPR. Among these new provisions are changes to the structural requirements for ships and the entry-control system, which could remove the necessity for such extensions in the future. In addition to the valuable research benefits for the Coast Guard, this season extension provides commercial benefits to the shipping and northern operations involved in the Arctic due to the longer voyage and export period for oil and ore. Costs to the government are negligible as existing resources are already allocated to the required functions.

As mentioned above, the Coast Guard is examining a proposal for changes to Schedule V of the regulations, whereby "Type ships" as defined in the regulations will be required to conform to appropriate "Baltic" Classes, and other Classification Society Ice Classes would be phased out.

The "Equivalent Standards for the Construction of Arctic Class Ships" were published in 1993. A standard is being developed for the implementation in 1995 of an ice regime control system of shipping in the Shipping Safety Control Zones. It will initially be used on an experimental basis. This proposal will benefit the shipping industry, public and the government in that ships will be allowed to navigate when they are properly capable of navigating in the prevailing conditions, and not in an inflexible



predefined calendar period. This should reduce the risk of structural damage to a ship, and the risk of environmental damage from pollution, as well as providing an extended shipping season when the conditions are appropriate, or a shorter season if the conditions are not favourable. This proposal has been discussed at the Canadian Marine Advisory Council – Northern Region meetings for the last two years.

The Coast Guard also intends to harmonize the reporting requirements for oil spills and other pollution incidents in the Arctic waters with those already in place elsewhere in Canada and internationally. This is especially important for non-Canadian ships as ship operators would already be familiar with internationally accepted procedures. Also, the criteria for stability for Arctic Class ships is not sufficiently clear in the existing regulations. Based on recent studies for determining the stability of a ship perched on an ice floe, a detailed standard of stability will be developed for publication in 1994.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number TC-59.

**Contact:** Andrew Hart, Senior Surveyor, Arctic Ship Safety Branch, Canadian Coast Guard, Department of Transport, Ottawa, Ontario, K1A 0N7. Tel. (613) 991-6005; Fax (613) 995-4700.

#### TC-51

##### **Regulations Prescribing the Procedures, Equipment and Resources in Respect of an Oil Pollution Incident: Response Organization Standard**

These regulations are required as a result of amendments to the Canada Shipping Act, Chapter 36, Statutes of Canada 1993, to implement the provisions of the Oil Pollution Preparedness, Response and Co-operation, 1990 (OPRC 90) Convention.

These regulations are designed to improve Canada's marine spills response capability and to incorporate by reference three standards in sequence. The first standard to be incorporated will set out the procedures, equipment and resources that a response organization must have in order to qualify for a certificate of designation from the Minister. This standard is generally referred to as The Response Organization Standard. A Response Organization must submit a response plan and a declaration that confirms that the procedures, equipment and resources referred to in its response plan are available to a ship or a designated oil handling facility in case of an oil spill.

Two other standards will be developed to set out the procedures, equipment and resources that "a ship", and "a designated oil handling facility" respectively must have on board or on site for use in respect of an oil pollution incident. Two separate amendments will be made to these regulations to incorporate each of these standards by reference.

This regulation and all three associated standards are part of the national marine spills response regime authorized in Chapter 36, Statutes of Canada 1993. The private maritime sector strongly supports this regime as the basis for a private-sector funded response capability. It is estimated that the regime's implementation will cost the private sector approximately \$100 million. The government's role will continue to be overseeing and monitoring private-sector response to spills, responding to spills in the Arctic, and establishing standards such as those mentioned in this initiative.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Suzanne J. Shirreff, Head, Contingency Planning Task Force, Environmental Response and Emergency Planning, Canadian Coast Guard, Department of Transport, Ottawa, Ontario, K1A 0N7.

Tel. (613) 990-7034; Fax (613) 998-4168.

#### TC-52

##### **Regulations Prescribing the Procedures, Equipment and Resources in Respect of an Oil Pollution Incident: Amendment – Oil Handling Facilities Standard**

These regulations are designed to improve Canada's marine spills response capability and are required as a result of amendments to the Canada Shipping Act, Chapter 36, Statutes of Canada 1993, to implement the provisions of the Oil Pollution Preparedness, Response and Co-operation, 1990 (OPRC 90) Convention.

This amendment to the regulations will incorporate by reference the standards which will set out the procedures, equipment and resources that a designated oil handling facility must have on site for use in respect of an oil pollution incident involving a ship at the facility. These standards represent the second of three standards to be incorporated by reference.

These regulations and all three associated standards are part of the national marine spills response regime authorized in Chapter 36, Statutes of Canada 1993. The maritime private sector strongly supports this regime as the basis for a private-sector funded response capability. It is estimated that the regime's implementation will cost

the private sector approximately \$100 million. The government's role will continue to be overseeing and monitoring private-sector response to spills, responding to spills in the Arctic, and establishing standards such as those mentioned in this initiative.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Suzanne J. Shirreff, Head, Contingency Planning Task Force, Environmental Response and Emergency Planning, Canadian Coast Guard, Department of Transport, Ottawa, Ontario, K1A 0N7.

Tel. (613) 990-7034; Fax (613) 998-4168.

#### TC-53

##### **Regulations Prescribing the Procedures, Equipment and Resources in Respect of an Oil Pollution Incident: Amendment – Ship Standard**

These regulations are designed to improve Canada's marine spills response capability and are required as a result of amendments to the Canada Shipping Act, Chapter 36, Statutes of Canada 1993, to implement the provisions of the Oil Pollution Preparedness, Response and Co-operation, 1990 (OPRC 90) Convention.

This amendment to the regulations will incorporate by reference the standards which will set out the procedures, equipment and resources that a ship must have on board for use in respect of an oil pollution incident involving the ship. The Oil Pollution Prevention Regulations are currently in place and require Shipboard Oil Pollution Emergency Plans. However, additional Canadian requirements in Chapter 36, Statutes of Canada 1993, require supplementary standards. These standards represent the third of three incorporated by reference into the regulations Prescribing the Procedures, Equipment and Resources in Respect of an Oil Pollution Incident.

These regulations and all three associated standards are part of the national marine spills response regime authorized in Chapter 36, Statutes of Canada 1993. The private maritime sector strongly supports this regime as the basis for a private-sector funded response capability. It is estimated that the regime's implementation will cost the private sector approximately \$100 million. The government's role will continue to be overseeing and monitoring private-sector response to spills, responding to spills in the Arctic, and establishing standards such as those mentioned in this initiative.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Suzanne J. Shirreff, Head, Contingency Planning Task Force, Environmental Response and

Emergency Planning, Canadian Coast Guard, Department of Transport, Ottawa, Ontario, K1A 0N7.

Tel. (613) 990-7034; Fax (613) 998-4168.

#### TC-54

##### **Regulations with Respect to the Designation of Oil Handling Facilities**

These regulations are required as a result of amendments to the Canada Shipping Act (Chapter 36, Statutes of Canada 1993) and will be required to implement the provisions of the Oil Pollution Preparedness, Response and Co-operation, 1990 (OPRC 90) Convention.

These regulations will set out the criteria by which the Minister may designate oil handling facilities that will be required to pre-plan for pollution emergencies and thereby improve marine spills response capability.

No direct costs are associated with this regulatory initiative although related initiatives comprising the national marine spills response regime will entail costs for the private-sector in the order of \$100 million.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Suzanne J. Shirreff, Head, Contingency Planning Task Force, Environmental Response and Emergency Planning, Canadian Coast Guard, Department of Transport, Ottawa, Ontario, K1A 0N7.

Tel. (613) 990-7034; Fax (613) 998-4168.

#### TC-55

##### **Regulations Prescribing how to make public the Standards under Part XV – Canada Shipping Act that are to be Incorporated by Reference**

These regulations are required as a result of amendments to the Canada Shipping Act (Chapter 36, Statutes of Canada 1993).

The Minister of Transport may issue standards that are not regulations, under Part XV – Canada Shipping Act. If such standards are intended to be incorporated by reference into regulations, the standards must be made public. These regulations will establish how this is to be done.

The incorporation by reference of standards into regulations is a newly developed concept in support of government's initiative for regulatory reform.

No costs are associated with this regulatory initiative.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Suzanne J. Shirreff, Head, Contingency Planning Task Force, Environmental Response and Emergency Planning, Canadian Coast Guard,



Department of Transport, Ottawa, Ontario, K1A 0N7.

Tel. (613) 990-7034; Fax (613) 998-4168.

#### TC-56

##### **Pollutant Discharge Reporting Regulations**

This amendment is required as a result of amendments to the Canada Shipping Act (Chapter 36, Statutes of Canada 1993).

This amendment will be required to ensure that the oil handling facilities are given direction as to how to report pollutant discharges.

No direct costs are associated with this regulatory initiative.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Suzanne J. Shirreff, Head, Contingency Planning Task Force, Environmental Response and Emergency Planning, Canadian Coast Guard, Department of Transport, Ottawa, Ontario, K1A 0N7.

Tel. (613) 990-7034; Fax (613) 998-4168.

#### TC-57

##### **Emergency Position Indicating Radiobeacon Regulations (EPIRB)**

This amendment is a safety-related issue which will include a requirement that Safety Convention ships carry radar transponders in accordance with Chapters III and IV of the Safety Convention. The requirement will cost \$5000.00 per Convention Ship. Also included will be a requirement extending the carriage of Class I EPIRBs to ships engaged on inland voyages, Class II. This extension will involve a cost of \$2,000.00 for each of the 140 affected ships. Concerns raised by industry with regard to the requirement that ships engaged on home trade voyages, Class II be equipped with Class II EPIRBs have been addressed by the removal of this requirement which will result in a saving of approximately \$2.4 million to the industry.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Jim Brock, Senior Surveyor, Survival Systems, Ship Operations, Ship Safety, Canadian Coast Guard, Department of Transport, Ottawa, Ontario, K1A 0N7.

Tel. (613) 991-3121; Fax (613) 993-8196.

#### TC-58

##### **Ship Station Technical Regulations (SSTR): Radar Transponders**

An amendment to the Emergency Position Indicating Radiobeacon Regulations will require Convention ships to carry radar transponders in accordance

with Chapters III and IV of the Safety of Life at Sea (SOLAS) Convention 1974. Therefore, the SSTR will be amended to identify the technical standard and inspection criteria that radar transponders must meet. There are no new costs per se associated with this amendment; the cost to shipowners will occur as a result of having to acquire the radar transponders.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** William (Bill) C.T. Spence, Chief, Marine Communications, Telecommunications and Electronics, Canadian Coast Guard, Department of Transport, Ottawa, Ontario, K1A 0N7.

Tel. (613) 998-1564; Fax (613) 998-9258.

#### TC-59

##### **Regulations Respecting the Control of Pollution of the Great Lakes Basin by Ballast Water Carried by Ships**

Studies have shown that many species of bacteria, plants and animals can survive in the ballast water and sediment carried on board ships and, when subsequently discharged, may result in the establishment of unwanted species. Any costs to shipping will be outweighed by the reduction or elimination of the social, economic and ecological costs resulting from the introduction of non-native species which can be devastating. The introduction of the zebra mussel to the Great Lakes was attributed to ballast water discharges and has led to demands for ballast water discharge controls.

In order to address the problems associated with ballast water discharges, voluntary guidelines which requested that ballast water be exchanged at sea were introduced in 1989. This current initiative will replace the voluntary guidelines with regulations.

The United States Coast Guard introduced similar regulations applicable to the U.S. waters of the Great Lakes in May 1993.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Cam Wallace, Chief, Pollution Prevention, Regulations and Special Projects, Ship Safety, Canadian Coast Guard, Department of Transport, Ottawa, Ontario, K1A 0N7.

Tel. (613) 991-3166; Fax (613) 954-4916.

#### TC-60

##### **Declaration and Designation of Public Port Facilities: Phase I**

The Public Harbours and Port Facilities Act requires the declaration and the designation by the Governor in Council of the public port facilities where a wharfinger can be appointed. The Standing Joint

Committee for the Scrutiny of Regulations has requested that this requirement be fulfilled. It is proposed that the Public Harbours Regulations be amended by adding a new schedule for the identification and designation of public port facilities. As this involves over 500 different sites, it is proposed to proceed on a phase by phase basis. This amendment is required for administrative purposes only. Therefore, minor impact on port users is anticipated.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Brian Fogarty, Chief, Program and Legislative Development, Harbours and Ports, Canadian Coast Guard, Department of Transport, Ottawa, Ontario, K1A 0N7.  
Tel. (613) 990-3047; Fax (613) 954-0838.

## ■ Harbour Commissions

### TC-61

#### **Nanaimo Harbour Commission General By-law: Harbour Dues Increase**

An amendment to this By-law is required to meet the needs created by the establishment of a high-speed ferry service between Nanaimo and Vancouver. The carrier will have to remit the harbour dues in the form of a per passenger head tax. It is also proposed to increase the overall harbour dues for the port users (non ferry).

The impact of the increase on the carrier will be slight. It should not affect the passengers because the rate increase has already been taken into account by the carrier in establishing the ticket price.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number TC-62.

**Contact:** William Mills, Port Manager, Nanaimo Harbour Commission, 104 Front Street, P.O. Box 131, Nanaimo, British Columbia, V9R 5R4.  
Tel. (604) 753-4146; Fax (604) 753-4899.

### TC-62

#### **North Fraser Harbour Commission By-laws**

The North Fraser Harbour Commission has reviewed and revised the North Fraser Harbour Commission By-laws by deleting sections no longer applicable and by redrafting other sections. The Harbour Commission proposes to separate its current By-laws into three distinct by-laws: Administrative, Operating and Tariff. The tariff of rates are the same as those contained in the existing By-laws.

The impact on Canadian society and port users will be insignificant.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number TC-63.

**Contact:** George Colquhoun, Port Manager, North Fraser Harbour Commission, 2020 Airport Road, Richmond, British Columbia, V7B 1C6.  
Tel. (604) 273-1866; Fax (604) 273-3772.

### TC-63

#### **Toronto Harbour Commission: Enforcing a By-law of the Minister of Transport – Unobstructed Airspace for the Landing and Taking off of Aircraft at the Airport**

A new By-law by the Minister of Transport is required to replace the Toronto Harbour Commission By-law Prohibiting the Operation of Vessels in Designated Waters, registered in June 1989. This has been requested by the Standing Joint Committee for the Scrutiny of Regulations. Such a regulation may be issued by the Minister of Transport, and the Harbour Commission may control and regulate navigation accordingly.

Consequently, only a low impact is expected.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number TC-64.

**Contact:** Guy Jones, President, The Toronto Harbour Commissioners, 60 Harbour Street, Toronto, Ontario, M5J 1B7.  
Tel. (416) 863-2028; Fax (416) 863-4830.

### TC-64

#### **Thunder Bay Harbour Commission Operating By-law**

The Thunder Bay Harbour Commission Operating By-law is being redrafted to meet operational requirements and clarify permitted and prohibited activities. This By-law will also allow the Harbour Commission to better ensure the safety of navigation in the harbour by providing safeguards to control the increased use of harbour waters by recreational and non-traditional users.

The impact on individual shipping companies now conducting business in the port will be negligible; the impact on non-commercial port users will not be significant.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number TC-65.

**Contact:** Dennis Johnson, Director of Operations/Harbour Master, Thunder Bay Harbour Commission, P.O. Box 2266, Thunder Bay, Ontario, P7B 5E8.  
Tel. (807) 345-6400; Fax (807) 345-9058.



## TC-65

**Port Alberni Harbour Commission Operating By-laws**

The Port Alberni Harbour Commission Operating By-laws are being revised by deleting sections that are no longer applicable to current operational circumstances and by redrafting other sections. The existing By-laws have not been changed since 1947. There will be no amendment to the tariff rates.

Impact is limited to users of the port. There will be no impact on the general public. The revised By-laws will provide improvements to controls in the existing By-laws.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number TC-67.

**Contact:** Dennis G. Andow, Property Manager, Port Alberni Harbour Commission, P.O. Box 99, Port Alberni, British Columbia, V9Y 7M6.  
Tel. (604) 723-5312; Fax (604) 723-1114.

## TC-66

**Windsor Harbour Commission Cargo Rates and Harbour Dues By-law**

Amendments to this By-law are required to increase tariff rates, in order to maintain an adequate level of cost recovery, to keep pace with inflation and to maintain the Harbour Commission's financial position. Amendments are also necessary to clarify certain sections in the By-law.

The proposed increase of six per cent reflects the port's need to remain competitive and to offset cost increases in one area by revenues from another. The proposed increase also reflects the need for the Harbour Commission to be financially self-sufficient. The last increase in these rates was in 1985.

Cargo rates for railway cars carried on barges will be increased from 20 to \$1.00 per car, in order to bring this rate into line with other charges.

This By-law affects port users only. It has no impact on the general public.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number TC-68.

**Contact:** David S.H. Cree, General Manager, Windsor Harbour Commission, 500 Riverside Drive West, Windsor, Ontario, N9A 5K6.  
Tel. (519) 258-5741; Fax (519) 258-5905.

## TC-67

**Windsor Harbour Wharf By-law: Tariff**

Amendments to this By-law are required to increase tariff rates, in order to maintain an adequate level of cost recovery, to keep pace with inflation and to

maintain the Harbour Commission's financial position. Amendments are also necessary to clarify certain sections in the By-law.

The proposed increase of six per cent reflects the port's need to remain competitive, and to offset cost increases in one area by revenues from another. The proposed increase also reflects the need for the Harbour Commission to be financially self-sufficient. The last increase in these rates was in 1985.

This By-law affects port users only. It has no impact on the general public.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number TC-69.

**Contact:** David S.H. Cree, General Manager, Windsor Harbour Commission, 500 Riverside Drive West, Windsor, Ontario, N9A 5K6.  
Tel. (519) 258-5741; Fax (519) 258-5905.

## TC-68

**Toronto Harbour Commissioners' Harbour Square Mooring By-law**

This initiative will institute controls to improve public accessibility to, and operational efficiency in, a crowded mooring area. The proposed By-law will identify a specific location, Harbour Square Park, where pleasure craft may moor for a period not in excess of two hours. There will be no new costs associated with this initiative.

Enforcement may involve fines and policing by a dockmaster.

**Classification:** Low cost

**Status:** This initiative appeared in the 1992 Regulatory Plan as initiative number TC-72.

**Contact:** Guy Jones, President, The Toronto Harbour Commissioners, 60 Harbour Street, Toronto, Ontario, M5J 1B7.  
Tel. (416) 863-2028; Fax (416) 863-4830.

## TC-69

**Oshawa Harbour Commission By-laws: 1994 Marina Tariff**

Some changes in rates prescribed by the above By-laws, for services provided to users of the Oshawa Harbour Commission marina, are required to maintain the Harbour Commission's financial position and competitive status.

The amount of any change would be influenced by the need for the marina to be competitive with other marinas in the Oshawa Toronto area, and by the need for the Harbour Commission to be financially self-sufficient. Any change in tariffs would affect users of the marina in a minor way only. There would be no impact on the general public.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Donna Taylor, Port Manager, Oshawa Harbour Commission, 1050 Farewell Street, Oshawa, Ontario, L1H 6N6.  
Tel. (416) 576-0400; Fax (416) 576-5701.

#### TC-70

##### **Hamilton Harbour Commissioners' Land Use and Development By-law**

The Hamilton Harbour Commissioners' Land Use and Development By-law designed to control and regulate land use in the port of Hamilton was approved by Governor in Council in July 1990. Based upon experience gained since the By-law was introduced, certain minor amendments are required of a housekeeping nature.

The impact on port users will be insignificant.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Robert Hennessy, Port Manager, Hamilton Harbour Commission, 605 James Street North, Hamilton, Ontario, L8L 1J9.  
Tel. (416) 525-4330; Fax (416) 528-6282.

#### TC-71

##### **Toronto Harbour Commissioners: Administrative By-law**

The purpose of this By-law is to provide for the composition and role of the Board of the Harbour Commission, the regulation and conduct of meetings of the Board and the execution of legal instruments. This By-law amendment is administrative in nature and will have no impact on the port users or the general public.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Guy Jones, The Toronto Harbour Commissioners, 60 Harbour Street, Toronto, Ontario, M5J 1B7.  
Tel. (416) 863-2028; Fax (416) 863-4830.

## ■ Pilotage Authorities

#### TC-72

##### **Atlantic Pilotage Authority Non-compulsory Area Regulations**

These regulations will be amended in order to put into effect the observations by the Standing Joint Committee for the Scrutiny of Regulations.

These observations refer to the Authority's proposed Non-Compulsory Pilotage Area Regulations, (in conjunction with the Laurentian Pilotage Authority's District No. 3 Regulations) by which the two Pilotage Authorities would combine forces to provide pilots with experience in navigation in ice as ice-advisors,

on request by industry, in the non-compulsory pilotage waters of the St. Lawrence River/Cabot Strait area of the Gulf of St. Lawrence.

The administrative costs to both Pilotage Authorities would be negligible. The cost to the industry would be zero unless vessels decided to use the services of an ice-advisor, in which case current tariffs would apply.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number TC-72.

**Contact:** Neil McNeill, Chief, Marine Pilotage Directorate, Department of Transport, Ottawa, Ontario. K1A 0N7.  
Tel. (613) 998-0695; Fax (613) 990-1538.

#### TC-73

##### **General Pilotage Regulations**

Amendments to Part I of these regulations will be necessary in order to conform to the Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978.

These amendments will have a minor effect on applicants for pilotage licences and pilotage certificates, but as only approximately a dozen applicants per year are involved with the four Marine Pilotage Authorities, the general effect is negligible.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number TC-73.

**Contact:** Neil McNeill, Chief, Marine Pilotage Directorate, Department of Transport, Ottawa, Ontario. K1A 0N7.  
Tel. (613) 998-0695; Fax (613) 990-1538.

#### TC-74

##### **Great Lakes Pilotage Tariff Regulations**

The Great Lakes Pilotage Tariff Regulations applicable in all districts will be amended to reflect increased operating costs borne by the Authority, including negotiated increases in labour contracts and inflationary costs.

The revised tariffs will result in increased costs (about \$165,000) to users of the system, i.e. the shipping industry, who will be consulted by the Authority.

The benefits to the industry will be the maintenance of a safe and efficient pilotage service.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Neil McNeill, Chief, Marine Pilotage Directorate, Department of Transport, Ottawa, Ontario. K1A 0N7.  
Tel. (613) 998-0695; Fax (613) 990-1538.



## TC-75

**Laurentian Pilotage Authority Regulations**

The Laurentian Pilotage Authority proposes to amend its regulations to accommodate the following elements: provide specific provisions to clarify the process to be followed by an applicant when passing from one class of pilotage certificate to another; and to clarify the status of tugs and tows and pushing units with respect to compulsory pilotage requirements.

None of the above amendments have cost implications. The amended regulations will be clearer and more precise and will therefore benefit all parties.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Neil McNeill, Chief, Marine Pilotage Directorate, Department of Transport, Ottawa, Ontario, K1A 0N7.

Tel. (613) 998-0695; Fax (613) 990-1538.

## TC-76

**Laurentian Pilotage Authority District No. 3 Regulations**

District No. 3 Regulations will be amended in order to put into effect the observations by the Standing Joint Committee for the Scrutiny of Regulations.

These observations refer to the Authority's proposed Laurentian Pilotage Authority District No. 3 Regulations, (in conjunction with the Atlantic Pilotage Authority's Non-Compulsory Area Regulations) by which the two Pilotage Authorities would combine forces to provide pilots with experience in navigation in ice as ice-advisors, on request by industry, in the non-compulsory pilotage waters of the St. Lawrence River/Cabot Strait area of the Gulf of St. Lawrence.

The administrative costs to both Pilotage Authorities would be negligible. The cost to the industry would be zero unless vessels decided to use the services of an ice-advisor, in which case current tariffs would apply.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number TC-76.

**Contact:** Neil McNeill, Chief, Marine Pilotage Directorate, Department of Transport, Ottawa, Ontario, K1A 0N7.

Tel. (613) 998-0695; Fax (613) 990-1538.

## TC-77

**Pacific Pilotage Regulations**

The Pacific Pilotage Authority proposes to amend its regulations to accommodate the requirements pertaining to pilots in the 1978 Convention on

Standards of Training, Certification and Watchkeeping for Seafarers. These amendments will have a minor effect on applicants for pilot licences, but as only approximately half a dozen applicants per year are involved, the general effect is negligible. In addition, the Pacific Pilotage Authority also proposes to modify section 10 of its regulations, i.e., Waiver of Compulsory Pilotage, to clarify the wording for the benefit of the industry.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number TC-77.

**Contact:** Neil McNeill, Chief, Marine Pilotage Directorate, Department of Transport, Ottawa, Ontario, K1A 0N7.

Tel. (613) 998-0695; Fax (613) 990-1538.

**Surface Group**■ **Railway Safety**

## TC-78

**Safety Critical Positions**

Investigation of railway accidents has indicated that railways must maintain acceptable programs capable of monitoring the physical and medical condition of employees engaged in occupations deemed critical to the safe operation of a railway.

Paragraph 18(1)(b) of the Railway Safety Act (RSA) authorizes the Governor in Council to make regulations declaring specified positions in railway companies to be critical to safe railway operations. Section 35 of the RSA provides for procedures to monitor the condition of those employees.

The Railway Safety Directorate is developing regulations that specify the positions considered to be critical to safe railway operations.

There will be an economic impact on the railway industry arising from increased medical costs. This will be offset by enhanced safety of railway operations.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number TC-80.

**Contact:** Ian S. Naish, Chief, Policy, Regulations and Standards, Safety Programs Branch, Railway Safety Directorate, Department of Transport, Ottawa, Ontario, K1A 0N5.

Tel. (613) 990-7745; Fax (613) 990-7767.

## ■ Road Safety and Motor Vehicle Regulation

### TC-79

#### **Motor Vehicle Safety Regulations: Omnibus Amendments Resulting from Amendments to the Motor Vehicle Safety Act**

The Motor Vehicle Safety Act that received Royal Assent on May 6, 1993 will replace the current Motor Vehicle Safety Act and the Motor Vehicle Tire Safety Act.

This amendment to the Motor Vehicle Safety Regulations will change the substantive parts of the regulations to correspond with the changes in the new Act. The amendment will address such administrative changes as stipulating that vehicle compliance records be maintained for five years and setting out the documentation requirements when a person temporarily imports a non-complying vehicle for such purposes as exhibition and testing. The amendment will also remove the requirement that imported buses fifteen years old or older must comply with the regulations. This will bring them in line with the other prescribed classes of vehicles.

The amendment will include a formalized procedure requiring used vehicles imported from the United States to undergo a conversion process to bring them into compliance with the motor vehicle safety standards. This will add to the cost of the imported vehicle for the importer. Which is expected to be approximately \$250.00 for the majority of vehicles involved.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number TC-82.

**Contact:** Charles Morton, Head, Vehicle Regulations, Road Safety and Motor Vehicle Regulation Directorate, Department of Transport, Ottawa, Ontario, K1A 0N5.  
Tel. (613) 998-1958; Fax (613) 998-4831.

### TC-80

#### **Motor Vehicle Tire Safety Regulations: Omnibus Amendments Resulting from Amendments to the Motor Vehicle Safety Act**

The Motor Vehicle Safety Act that received Royal Assent on May 6, 1993 will replace the current Motor Vehicle Safety Act and the Motor Vehicle Tire Safety Act.

This amendment to the Motor Vehicle Tire Safety Regulations changes the substantive parts of the regulations to correspond with the changes in the new Act. The amendment will address such administrative changes as stipulating that tire compliance and registration records be maintained

for three years. The amendment also sets out the documentation requirements when a person temporarily imports a tire for such purposes as exhibition and testing. The amendment does not place any additional burden on the industry.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number TC-91.

**Contact:** Charles Morton, Head, Vehicle Regulations, Road Safety and Motor Vehicle Regulation Directorate, Department of Transport, Ottawa, Ontario, K1A 0N5.

Tel. (613) 998-1958; Fax (613) 998-4831.

### TC-81

#### **Motor Vehicle Safety Regulations, Standards 1101, 1103 and 1105: Emissions**

The emission Regulations 1101, 1103 and 1105 are being updated for 1996 and beyond according to the revised Motor Vehicle Safety Act. Exhaust and evaporative emission standards are being updated consistent with the United States Clean Air Act amendments of 1990 and associated regulations. The standards will, depending on the type of vehicle, decrease allowable emissions of carbon monoxide, hydrocarbons, nitrogen oxides and particulate matter, and increase the designed life of emission controls. Motorcycles will be newly regulated for emissions and urban transit buses will be designated as a separate category. The amendments will also include new label requirements for the light and heavy-duty vehicles, and on-board diagnostic requirements for the light-duty vehicles and light-duty trucks. Also the proposed regulations will include specifications for an emission credit program and detailed data submission requirements.

The complexity of the costs and benefits of the above comprehensive initiatives make it difficult to provide an adequate brief summary. A detailed cost analysis associated with these initiatives is described in the Sypher-Muller Report of March 1992 entitled "Support For the Development of a Regulatory Impact Analysis of On-road Motor Vehicle Emission Standards". This report has been made available and distributed to interested parties. Copies of the report can be obtained by contacting the Emissions and Engineering Section at the address below. The Department of Transport Regulatory Review Panel recommended that these standards be reviewed.

**Classification:** Major

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number TC-90.



**Contact:** Lui Hrobelsky, Road Safety and Motor Vehicle Regulation Directorate, Department of Transport, Ottawa, Ontario, K1A 0N5.  
Tel. (613) 998-2534; Fax (613) 998-4831.

#### TC-82

##### **Motor Vehicle Safety Regulations, Standard 301.2: CNG Fuel System Integrity**

The fuel system integrity standard for vehicles using natural gas as a fuel adopts, by reference, a pressure-vessel requirement and a Canadian Gas Association (CGA) standard. These documents are out of date. Furthermore, the pressure-vessel requirement is inappropriate and is not sufficiently extensive for this application; the result is that the federal standard (301.2) does not require the level of safety that it should and is hindering technological development. An improved pressure-vessel standard which will stipulate criteria for vessels using non-metallic materials will be adopted by reference in lieu of the currently referenced version. This amendment will not result in increased cost to manufacturers of natural-gas-fuelled vehicles because the new requirements will not introduce tests and practices that are not already used by industry. The amendment will, however, ensure that the fuel systems which it addresses offer a specific level of safety. It is not possible to predict the number of deaths and injuries that will be avoided by introducing this amendment because no accident data exist on which to base such predictions. The effects on income distribution, energy consumption and international trade should all be beneficial because a barrier to technological development is being removed. The Department of Transport's Regulatory Review Panel recommended that this standard be revised.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number TC-88.

**Contact:** Robin V. Myers, Chief, Standards and Regulations, Road Safety and Motor Vehicle Regulation Directorate, Department of Transport, Ottawa, Ontario, K1A 0N5.  
Tel. (613) 998-1956; Fax (613) 998-4831.

#### TC-83

##### **Motor Vehicle Safety Regulations, Standard 208: Seat Belt Installations, Crash Protection, Criteria**

This amendment will require manufacturers to comply with performance-oriented, non design-restrictive criteria for occupant protection systems used in Canadian automobiles.

Limits will be placed on resultant head acceleration and chest deflection experienced by a human-like

test device (Hybrid III) in a 48 km/h barrier collision test. Seat belts will also be required to comply with fit criteria which will be measured using the Belt Fit Test Device (BTD). The BTD adapts to an existing device called the H-point machine which is widely used throughout the industry. These requirements will be unique to Canada, in that they do not exist in the regulations of any other country.

This amendment will improve the level of protection afforded to occupants in vehicle crashes. Since head acceleration and chest deflection data are obtained from the widely used Hybrid III test device, there should be no additional testing costs imposed on manufacturers using this device to establish compliance with other countries' requirements. There will, however, be costs of an undetermined amount incurred because of the unique nature of this amendment. The Department of Transport's Regulatory Review Panel recommended that this standard be revised.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number TC-86.

**Contact:** André St-Laurent, Vehicle Safety Engineer, Road Safety and Motor Vehicle Regulation Directorate, Department of Transport, Ottawa, Ontario, K1A 0N5.  
Tel. (613) 998-1964; Fax (613) 998-4831.

#### TC-84

##### **Motor Vehicle Safety Regulations, Standard 108: Lighting Equipment**

A swing-out stop sign will be required on school buses to provide a more positive signal that drivers must not pass when school buses are stopped to board or discharge passengers. A centre high-mounted stop lamp will be required on light duty trucks, vans, small buses and recreational vehicles to reduce the risk of rear-end collisions. Reflective tape will be required on heavy trailers and possibly trucks to reduce the risk of collisions in darkness. A turn signal visible from beside the vehicle will be required on heavy duty trucks, trailers and buses to clearly advise other drivers of intended lane changes and turns. A flashing headlamp will be permitted to make motorcycles more visible in daytime.

The required location of lamps and reflectors with respect to the edges of the vehicle will be more clearly defined to ensure that the vehicle is plainly visible in darkness. This will make the regulations easier to interpret, particularly for small manufacturers. Air vents will be permitted on headlamps without replaceable bulbs to avoid moisture condensation problems. The headlamp

humidity test will be changed to include a flow of air to better simulate real driving. Daytime running lamp (DRL) requirements will be revised to permit new types of headlamps to be used as DRL.

Parts of this initiative will reduce the risk of road accidents caused by driver perception problems. The stop arm is expected to reduce the frequency of illegal passing of school buses by about half. The total cost of all the new mandatory equipment is estimated at \$9 million annually. Benefits from reflective tape alone are estimated at \$4 to 12 million annually. The costs of the other changes will be minimal. The Department of Transport's Regulatory Review Panel recommended that this standard be revised.

**Classification:** Major

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number TC-84.

**Contact:** Jim G. White, Head, Crash Avoidance Engineering, Road Safety and Motor Vehicle Regulation Directorate, Department of Transport, Ottawa, Ontario, K1A 0N5.  
Tel. (613) 998-1965; Fax (613) 998-4831.

#### TC-85

##### **Motor Vehicle Passenger Restraint Regulations, Standard C213: "Child Restraint Systems", C213.1: "Infant Restraint Systems", C213.2: "Booster Cushions", and C213.3: "Restraint Systems for Disabled Children and Small Size Adults"**

This amendment is of an administrative nature. It makes the regulations compatible with the revised Motor Vehicle Safety Act that received Royal Assent on May 6, 1993. The technical content of the regulations will remain essentially unchanged.

Additional requirements will be placed on the manufacturer of restraint systems. The regulations will require that records be established and maintained for five years after the date of manufacture of the restraint. The form and manner of the registration system and the information that must be issued with a notice of defect will be prescribed. The regulations will also specify the documentation that an importer must provide.

These regulations will have negligible economic impact. The technical requirements are a restatement of what is contained in the present Motor Vehicle Safety Regulations. The registration system requirements are similar to those voluntarily adopted by the industry.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** France Legault, Automotive Safety Engineer, Road Safety and Motor Vehicle Regulation

Directorate, Department of Transport, Ottawa, Ontario, K1A 0N5.

Tel. (613) 998-1963; Fax (613) 998-4831.

#### TC-86

##### **Motor Vehicle Safety Regulations for Incomplete Vehicles**

These amendments to the Motor Vehicle Safety Regulations, Sections 4, 6, 7, 8, 9, 11, 15 and Schedule III requires that manufacturers and importers of incomplete vehicles give to final stage manufacturers an incomplete vehicle manual which specifies the limitations within which the final-stage manufacturer must complete the vehicle so that it would comply with Canada Motor Vehicle Safety Standards. An incomplete vehicle requires the assembly of additional components done by a final-stage manufacturer to become a completed vehicle. These amendments also require manufacturers and importers of incomplete vehicles to certify that the vehicles, if completed in accordance with the incomplete vehicle manual, will comply with the Canada Motor Vehicle Safety Standards. Final-stage manufacturers, who complete their vehicles outside the limitations of the incomplete vehicle manual, must still provide records of testing to show that their vehicles comply with Canada Motor Vehicle Safety Standards. These amendments will improve harmony between Canadian and United States requirements.

This requirement is expected to cost the industry approximately \$18,000.00 annually. Among the benefits will be a higher level of compliance with the safety standards by second and final stage manufacturers and their certification process will be facilitated.

**Classification:** Low cost

**Status:** This initiative was published in Part I of the *Canada Gazette* on April 3, 1993.

**Contact:** Darwin S. Van Dusen, Road Safety and Motor Vehicle Regulation Directorate, Department of Transport, Ottawa, Ontario, K1A 0N5.  
Tel. (613) 998-1962; Fax (613) 998-4831.

#### TC-87

##### **Motor Vehicle Safety Regulations, Standard 205: Glazing Materials**

This amendment to the standard adopts the latest version of the American National Standard for Safety Glazing Materials (ANSI Z-26). This version includes all the technical changes that have been incorporated in Canadian Motor Vehicle Safety Standard and Federal Motor Vehicle Safety Standard 205 since the last edition in 1983.



The amendment will introduce requirements for new types of glass-plastic glazing (items 15A, 15B, 16A, and 16B). This will provide manufacturers more design flexibility and the possibility to use materials proven for their injury reduction characteristics. The amendment will require clamping of glazing specimens for two impact ball tests and a penetration resistance test. The new clamping procedure will provide a more appropriate way to test glass-plastic glazing. This change was requested by industry.

The amendment will permit the use of item 14 glass-plastic glazing for side and rear windows in convertibles. This will relieve restrictions and facilitate the use of glass-plastic glazing in motor vehicles. A minor change will define the term "gasoline" used in chemical resistance tests. Except for the amendment to the clamping procedure which will require the purchase of less than \$200.00 in test equipment for each of the affected companies or laboratories that test motor vehicle glazing, there should be no increase in costs involved with this amendment. The Department of Transport's Regulatory Review Panel recommended that this standard be revised.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Paul Lemay, Engineer, Road Safety and Motor Vehicle Regulation Directorate, Department of Transport, Ottawa, Ontario, K1A 0N5.  
Tel. (613) 998-1967; Fax (613) 998-4831.

## TC-88

### **Motor Vehicle Safety Regulations, Standards 102, 114 and 118: Transmission Shift Control Sequence, Locking Systems, and Power Operated Window Systems**

To remove the risk of children setting parked vehicles in motion, the automatic transmission shift levers of passenger cars, light trucks and vans will be required to be in Park before the ignition key can be removed, and to be locked in Park upon key removal. All other requirements of Standard 114 will be extended to light trucks and vans to provide their occupants with the same level of protection as that required for passenger cars.

Where automatic transmission shift positions are displayed electronically, all of the gear positions will need to be shown and remain illuminated whenever the ignition is on. Use of this new display technology will maintain an adequate level of driving safety. The exemption of three-speed manual transmissions from the shift pattern display requirement will be deleted because these transmissions are now rare

and their display would likely create confusion, especially among younger drivers.

These initiatives will reduce the risk of road accidents resulting from errors in vehicle operation caused by the driver or misuse by other occupants. A number of fatalities and injuries involving transmission shift positions have been reported over the past 15 years. The estimated total annual cost of a key-transmission shift interlock for model year 1993 vehicles does not exceed \$1.4 million. Standard 118 will be extended to include sliding roofs and power windows that can be closed by means of key-less controls on the exterior of the vehicle or by remote controls. The purpose of this amendment is to reduce the risk of injury to vehicle occupants. The Department of Transport's Regulatory Review Panel recommended that these standards be revised.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number TC-83.

**Contact:** Paul Lemay, Engineer, Road Safety and Motor Vehicle Regulation Directorate, Department of Transport, Ottawa, Ontario, K1A 0N5.  
Tel. (613) 998-1967; Fax (613) 998-4831.

## ■ Transport of Dangerous Goods

### TC-89

#### **Regulations for the Transportation of Dangerous Commodities by Rail and Transportation of Dangerous Goods Regulations: Revocation and Consequential Amendments**

The bulk of the regulations for the Transportation of Dangerous Commodities by Rail (Red Book) was revoked in 1992. The remaining provisions required further analysis and investigation prior to their incorporation into the Transportation of Dangerous Goods Regulations or their outright revocation. This amendment will complete this process.

The amendment and revocation are not expected to result in an increase in cost to industry as they either reproduce existing regulatory requirements or revoke outmoded and obsolete provisions.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** John R. Monteith, Director, Regulatory Affairs Branch, Transport Dangerous Goods Directorate, Department of Transport, Ottawa, Ontario, K1A 0N5.  
Tel. (613) 990-1154; Fax (613) 993-5925.

**TC-90****Transportation of Dangerous Goods Regulations: International Requirements for Intermediate cost Bulk Containers**

Amendments to Parts VI and VII will incorporate a Canadian General Standards Board standard for the manufacture, selection, use, periodic retest and inspection of intermediate bulk containers (IBCs) used for the transportation of dangerous goods by all modes of transport. The requirements in the standard conform to the United Nations (UN) Recommendations on the Transport of Dangerous Goods for design and the International Maritime Dangerous Goods Code for the selection and use of IBCs. The requirements also incorporate existing North American industry design practice.

These amendments, by referring to the standard, will implement international requirements for IBCs manufactured in or shipped from Canada. The amendments will also authorize the use of UN-type IBCs for domestic transportation, completing the domestic standards for the manufacture, selection and use of such containers.

The amendments are expected to generate a small cost to manufacturers as a result of the quality assurance program and registration requirements in the standard. There will be a positive impact on safety through the establishment of an international standard for the manufacture, selection and use of IBCs.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number TC-95.

**Contact:** John R. Monteith, Director, Regulatory Affairs Branch, Transport Dangerous Goods Directorate, Department of Transport, Ottawa, Ontario, K1A 0N5.

Tel. (613) 990-1154; Fax (613) 993-5925.

**TC-91****Transportation of Dangerous Goods Regulations: Drum Reconditioning**

An amendment to Part VII will incorporate a revised Canadian General Standards Board (CGSB) standard for the selection and use of non-bulk means of containment for the transportation of Class 3, 4, 5, 6.1, 8 and 9 dangerous goods. With respect to the reuse of steel drums, the standard will refer to a second new CGSB standard for reconditioning steel drums.

By referring to this new standard, the amendment is expected to generate a small cost to users of reconditioned steel drums and steel drum reconditioners as a result of the new requirements within the drum reconditioning standard. There will

be a positive impact on safety through the establishment of improved methods for the reconditioning of steel drums.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number TC-98.

**Contact:** John R. Monteith, Director, Regulatory Affairs Branch, Transport Dangerous Goods Directorate, Department of Transport, Ottawa, Ontario, K1A 0N5.

Tel. (613) 990-1154; Fax (613) 993-5925.

**TC-92****Transportation of Dangerous Goods Regulations: Biomedical Waste**

This amendment will include biomedical waste in the regulations. It is being drafted in consultation with the departments of National Health and Welfare, Agriculture and Agri-Food, Environment, waste management personnel and public health related laboratories throughout Canada. This amendment will clarify the regulations as well as broaden their application to biomedical wastes by expanding the types of waste included and specifying the means of containment to be used in their transport.

The amendment is expected to add some costs to industry for documentation, training and packaging. There will be a positive impact on the safety of the public.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number TC-96.

**Contact:** John R. Monteith, Director, Regulatory Affairs Branch, Transport Dangerous Goods Directorate, Department of Transport, Ottawa, Ontario, K1A 0N5.

Tel. (613) 990-1154; Fax (613) 993-5925.

**TC-93****Transportation of Dangerous Goods Regulations: Miscellaneous**

The new 1992 Transportation of Dangerous Goods Act, will necessitate changes to the regulations regarding, for example, permits, fees, financial responsibility and the revocation of Part XII. Cost to the industry is expected to be minimal due to the mainly administrative nature of the changes.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number TC-93.

**Contact:** John R. Monteith, Director, Regulatory Affairs Branch, Transport Dangerous Goods Directorate, Department of Transport, Ottawa, Ontario, K1A 0N5.

Tel. (613) 990-1154; Fax (613) 993-5925.



TC-94

**Piggyback Cargo Tanks Regulations and Transportation of Dangerous Goods Regulations: Revocations and Consequential Amendments**

The Piggyback Cargo Tanks Regulations (PCT Regulations) regulate a practice no longer used by industry. As well, the provisions of these regulations are outmoded and obsolete. Therefore, the PCT Regulations are now completely ineffective. The PCT Regulations will be revoked and a reference to them in the Transportation of Dangerous Goods Regulations removed.

These amendments will not result in increased cost to industry.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number TC-101.

**Contact:** John R. Monteith, Director, Regulatory Affairs Branch, Transport Dangerous Goods Directorate, Department of Transport, Ottawa, Ontario, K1A 0N5.  
Tel. (613) 990-1154; Fax (613) 993-5925.

TC-95

**Transportation of Dangerous Goods Regulations: Rail Transport**

Amendments to Part VI and VII will incorporate an amended Canadian General Standards Board standard for the construction of tank car tanks, the selection, use, periodic retest and inspection of tank car tanks, portable tanks and rail cars used for the transportation of dangerous goods by rail. The requirements in the standard will reflect the provisions of a recent substantial amendment to Title 49 of the United States Code of Federal Regulations under Docket HM-181. This U.S. amendment streamlined and consolidated the requirements for the transportation of dangerous goods by rail and the amendment to the standard will bring these changes into effect for the Canadian rail system.

Precise information on associated benefits and costs is not available at this stage of the consensus standard making process (consensus standards are developed with industry participation).

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number TC-99.

**Contact:** John R. Monteith, Director, Regulatory Affairs Branch, Transport Dangerous Goods Directorate, Department of Transport, Ottawa, Ontario, K1A 0N5.  
Tel. (613) 990-1154; Fax (613) 993-5925.

## Future Initiatives

### Canada Ports Corporation

#### Operating By-laws

These by-laws will update and replace the Canada Ports Corporation Operating By-law (C.R.C. 1978, c. 1064 as amended) as it pertains to activity in the harbours, other waters and lands under the administration or jurisdiction of Canada Ports Corporation at Belledune, Baie des Ha! Ha!, Saguenay, Sept-Îles, Trois-Rivières, Port Colborne, Prescott and Churchill and activity in the harbour and on the lands under the administration or jurisdiction of Halifax, Montreal, Port of Quebec, Prince Rupert, Saint John, St. John's and Vancouver Port Corporations.

The by-laws will govern the operation of vessels, vehicles and other activities in these harbours and other waters and on lands under the administration of these corporations.

**Contacts:** Roza Aronovitch, Vice-President, Legal Services, Canada Ports Corporation, 99 Metcalfe Street, Ottawa, Ontario, K1A 0N6.  
Tel. (613) 957-6723; Fax (613) 957-6705.

David F. Bellefontaine, President and Chief Executive Officer, Halifax Port Corporation, Ocean Terminals, Halifax, Nova Scotia, B3J 2P6.  
Tel. (902) 426-3643; Fax (902) 426-9277.

Dominic J. Taddeo, President and Chief Executive Officer, Montreal Port Corporation, Port of Montreal Building, Cité du Havre, Wing No. 1, Montreal, Quebec, H3C 3R5.  
Tel. (514) 283-7042; Fax (514) 283-7019.

Ross Gaudreault, President and Chief Executive Officer, Port of Quebec Corporation, 150 Dalhousie Street, Quebec, Quebec, G1K 7P7.  
Tel. (418) 648-3558; Fax (418) 648-4160.

Don Krusel, General Manager and Chief Executive Officer, Prince Rupert Port Corporation, 110-3rd Avenue West, Prince Rupert, British Columbia, V8J 1K8.  
Tel. (604) 627-7545; Fax (604) 627-7101.

Ken R. Krauter, General Manager and Chief Executive Officer, Saint John Port Corporation, 133 Prince William Street, Saint John, New Brunswick, E2L 4R8.  
Tel. (506) 636-4869; Fax (506) 636-4443.

David J. Fox, Port Manager and Chief Executive Officer, St. John's Port Corporation, 3 Water Street, St. John's, Newfoundland, A1C 5X8.  
Tel. (709) 772-4582; Fax (709) 772-4689.

Capt. Norman C. Stark, President and Chief Executive Officer, Vancouver Port Corporation, 1900-200 Granville Street, Vancouver, British Columbia, V6C 2P9.  
Tel. (604) 666-8966; Fax (604) 666-8916.

### **Saint John Port Corporation Services and Property By-law**

This by-law will regulate the award of services and property contracts by the Saint John Port Corporation.

**Contact:** Ken R. Krauter, General Manager and Chief Executive Officer, Saint John Port Corporation, 133 Prince William Street, Saint John, New Brunswick, E2L 4R8.  
Tel. (506) 636-4869; Fax (506) 636-4443.

### **Police By-law**

This will be a new by-law regulating the conduct of constables appointed pursuant to section 22 of the Canada Ports Corporation Act.

**Contact:** Roza Aronovitch, Vice-President, Legal Services, Canada Ports Corporation, 99 Metcalfe Street, Ottawa, Ontario, K1A 0N6.  
Tel. (613) 957-6723; Fax (613) 957-6705.

## **Airports Group**

### **Government Airport Concession Operations Regulations (GACORs)**

The GACORs provide the legislative basis for the Department of Transport's management of commercial and other activities on airports. The approach taken in the current regulations is no longer appropriate to modern realities. The Airports Group of the department of Transport is considering changing the GACORs in order to more effectively manage commercial activities at airports.

Alternatives which are being considered are: amendments to the existing GACORs and enabling legislation; development of new regulations and legislation; use of other regulations and legislation; use of non-regulatory methods of management.

Consultation will be primarily with airport officials and may include other interested parties such as airport tenants and the RCMP.

**Contact:** Catherine Major, Manager, Ground Transportation and Parking Branch, Commercial Development and Marketing Directorate, Department of Transport, Ottawa, Ontario, K1A 0N8.  
Tel. (613) 990-6074; Fax (613) 990-8889.

### **Airport Operations Regulations**

Airport Operations Regulations are being developed to establish the rules and procedures for the safe operation and parking of vehicles, the testing and issue of a vehicle operating permit, the parking of aircraft, and for the movement of pedestrians on the airside of airports not covered by the Air Regulations, but for which the Airport Manager/operator is responsible.

The Canadian Transportation Accident Investigation and Safety Board (formerly the Canadian Aviation Safety Board – CASB), in its report on a special investigation into the risk of collision involving aircraft on or near the ground at Canadian Civil Airports (CASB 87-31, August 1987) recommended that the Department of Transport: implement strengthened national standards for airport traffic directives as quickly as possible; ensure that airport managers have the requisite authority to enforce national airport directives; and require that all airports certified but not owned and operated by the Department of Transport effectively meet the strengthened national standards for airport traffic directives.

Further to this, it was also recommended (CASB 87-31, August 1987) that the Department of Transport: accelerate implementation of its standard Airside Vehicle Operators Permit (AVOP) system at the Department of Transport owned and operated aerodromes; and require that an equivalent process for AVOP training and certification be implemented at the non-Department of Transport owned and operated airports.

There are no revenue increases or direct cost increases associated with this regulatory proposal.

**Contact:** Richard J. Liberty, Chief, Airside Operations, Safety and Technical Services Directorate, Department of Transport, Ottawa, Ontario, K1A 0N8.  
Tel. (613) 990-1418; Fax (613) 957-4260.

## **Aviation Group**

### **Altimeter and Altimeter Static Pressure System Order: Air Navigation Order, Series II, No. 15**

Revision of this Order is required to recognize changes in technology and to update references to the Airworthiness Manual.

The amendment is the only practical alternative to the status quo.

The department will consult with Aircraft Maintenance Engineer Associations and air carrier associations; the public will be made aware of the department's plan through publication in the *Canada Gazette*.



**Contact:** Maher Khouzam, Chief, Airworthiness Standards, Airworthiness Branch, Aviation Regulation Directorate, Department of Transport, Ottawa, Ontario, K1A 0N8.  
Tel. (613) 990-2738; Fax (613) 996-9178.

**Air Regulation 211(3) and Air Navigation Orders, Series I, No. 2; Series II, Nos. 6, 13, 15, 17 and 21; Series VII, Nos. 2, 3 and 6**

Air Regulation 211(3), Air Navigation Order (ANO), Series I, No. 2; ANO, Series II, Nos. 6, 13, 15, 17 and 21; ANO, Series VII, Nos. 2, 3 and 6 contain references to standards which are presently presented in the Airworthiness Manual and, at times, still in the Engineering and Inspection (E&I) Manual. These amendments will consist in the incorporation of a reference to the appropriate standards contained in the Airworthiness Manual, as required by each individual order and, until the standards in the E&I Manual have been completely incorporated into the Airworthiness Manual, reference will be made to both manuals.

The status quo is not an acceptable alternative. The final objective is to replace any reference to the E&I Manual.

In addition to publication of the amendments in *Canada Gazette*, the industry will receive early notice of the changes directly from the department.

**Contact:** Maher Khouzam, Chief, Airworthiness Standards, Airworthiness Branch, Aviation Regulation Directorate, Department of Transport, Ottawa, Ontario, K1A 0N8.  
Tel. (613) 990-2738; Fax (613) 996-9178.

**Air Regulations 210, 211 (excluding 211(7)), 214 and 221**

The revision of these regulations resulted from recommendations of the department's regulatory review. These regulations authorize the Minister to issue flight authorities, and state some conditions for maintaining the same in force. They require some minor amendments to update terminology to conform with the Airworthiness Manual.

The amendments are the only practical alternative to the status quo.

In addition to publication of the amendments in *Canada Gazette*, the industry will receive early notice of the changes directly from the department.

**Contact:** Maher Khouzam, Chief, Airworthiness Standards, Airworthiness Branch, Aviation Regulation Directorate, Department of Transport, Ottawa, Ontario, K1A 0N8.  
Tel. (613) 990-2738; Fax (613) 996-9178.

**Regulations Respecting the Licensing of Aviation Personnel: Air Regulations, Part IV**

No. 1 – Flight Crew Licensing; No. 2 – Air Traffic Controller Licensing; No. 3 – Aircraft Maintenance Engineer Licensing; No. 4 – Medical Fitness; No. 6 – Flight Crew Licensing Permits and Licences; No. 7 – Flight Crew Licensing Ratings; No. 8 – Charges for the Licensing of Personnel Members. These regulations form part of the review and revision of aeronautics legislation currently being carried out by the department. They will prescribe the requirements for the licensing of aviation personnel and set out the privileges of the various permits, licences and ratings. They will also prescribe the medical fitness requirements for the issue of licence validation certificates to holders of, and applicants for, flight crew and air traffic controller licences.

The anticipated impact of these regulations on the Canadian economy as a whole is minimal as they codify existing regulatory provisions. The aeronautics industry, the main sector of the economy that will be affected, has been extensively consulted on this initiative and, in particular, on all proposed changes.

As these regulations form part of the current review and revision of aeronautics legislation there is no other practical alternative.

**Contact:** Larry Cundy, Chief, Personnel Licensing, Aviation Licensing Branch, Aviation Regulation Directorate, Department of Transport, Ottawa, Ontario, K1A 0N8.  
Tel. (613) 993-9456; Fax (613) 990-6215.

**Airworthiness Regulations: Air Regulations, Series V**

No. 1 – General Regulations on Procedures, Flight Authority, Import and Export; No. 2 – Aeronautical Product Design Regulations; No. 3 – Aeronautical Product Manufacture and Distribution Regulations; No. 4 – Aeronautical Product Maintenance Regulations; No. 5 – Continuing Airworthiness Regulations. These regulations are part of the review and revision of the aeronautics legislation currently being carried out by the department. They will revise, consolidate, update and augment material contained in existing regulations, air navigation orders, standards and practices, in order to reflect advances in technology and experience with respect to the design, manufacture, distribution, approval, certification and maintenance of aeronautical products.

These regulations will promote safety and increase the efficiency of the Canadian airworthiness system. They will create greater similarities between the Canadian airworthiness regulatory system and those

of other states which, in an international industry, should promote greater efficiency in both public and private sector relations.

The industry will be consulted prior to publication in the *Canada Gazette*.

As these regulations form part of the current review and revision of aeronautics legislation there is no other practical alternative.

**Contact:** Maher Khouzam, Chief, Airworthiness Standards, Airworthiness Branch, Aviation Regulation Directorate, Department of Transport, Ottawa, Ontario, K1A 0N8.

Tel. (613) 990-2738; Fax (613) 996-9178.

### **Improved Flammability Standards for Materials Used in the Interiors of Large Aeroplanes: Air Navigation Order, Series II, No. 32**

Current requirements have proven inadequate in cabin fires. The proposed Air Navigation Order will require that certain large aeroplanes be equipped with interior materials which meet upgraded flammability standards.

The proposed Order will result in improved safety. There will be new costs associated with its implementation, but it is not possible to be specific about costs at this time because of the wide variety of aircraft affected. These requirements have already been implemented by other countries, including the United States.

The industry will be consulted prior to publication in the *Canada Gazette*.

The amendments are the only practical alternative to the status quo.

**Contact:** Maher Khouzam, Chief, Airworthiness Standards, Airworthiness Branch, Aviation Regulation Directorate, Department of Transport, Ottawa, Ontario, K1A 0N8.

Tel. (613) 990-2738; Fax (613) 996-9178.

### **Leased Aircraft Registration: Air Regulations, Series II, No. 3**

These regulations will be amended to provide a scheme that allows for the lease, and lease interchange, of Canadian and foreign aircraft without requiring a change in the registration of the aircraft. Currently a Ministerial order is necessary in such situations. The complexity and dynamics of leasing arrangements in today's global aviation environment has necessitated that a Leasing Manual be devised in order to set the standards and procedures required to administer this regulatory scheme.

These amendments, and the introduction of a standards manual, will have a positive effect on the aviation industry, allowing it increased flexibility with regard to its fleet utilization in the developing global

market economy. Authorization to proceed with a leasing arrangement will become quick and efficient. The amendments are the only practical alternative to the status quo.

**Contact:** Richard J. Sauro, Chief, Aircraft Registration Division, Aviation Licensing Branch, Aviation Regulation Directorate, Department of Transport, Ottawa, Ontario, K1A 0N8.  
Tel. (613) 990-1115; Fax (613) 990-6215.

### **Aircraft Minimum Equipment List Order and Regulation: Air Navigation Order, Series II, No. 20**

This regulation is based on existing Air Navigation Order Series II, No. 20. The Order will be amended by making approved Minimum Equipment Lists (MELs) mandatory for air carriers using large aircraft for which a Master MEL has been approved. For air carriers using small or rotary-wing aircraft and operators of private or state aircraft, who have an approved Master MEL, the Order will be optional. This will satisfy Recommendations 38, 49 and 50 of the Moshansky Commission. The new regulation will permit the Certificate of Airworthiness to remain in force when aircraft are operated in accordance with the Order.

These amendments will improve safety by ensuring that aircraft are not operated with unserviceable equipment, except in accordance with approved procedures while, at the same time, allowing operators of smaller aircraft and rotary-winged aircraft to take advantage of the Order. There should be no increased costs to operators and this Order will be to their advantage.

Formal consultation with industry is planned prior to publication in the *Canada Gazette*.

The amendments are the only practical alternative to the status quo.

**Contact:** Robert Freeman, Air Carrier Operation Standards Division, Air Carrier Standards and Operations Branch, Aviation Regulation Directorate, Department of Transport, Ottawa, Ontario, K1A 0N8.

Tel. (613) 990-1093; Fax (613) 954-1602 and Maher Khouzam, Chief, Airworthiness Standards, Airworthiness Branch, Aviation Regulation Directorate, Department of Transport, Ottawa, Ontario, K1A 0N8.

Tel. (613) 990-2738; Fax (613) 996-9178.

### **Private Control Towers Regulations: Air Regulations, Part VIII**

These regulations form part of the review and revision of aeronautics legislation currently being carried out by the department. They will set out the



requirements for certification and operation of privately owned control towers.

It is anticipated that the impact of these regulations on the Canadian economy as a whole will be minimal.

Formal consultation with industry is planned prior to publication in the *Canada Gazette*.

The amendments are the only practical alternative to the status quo.

**Contact:** Dean Broadfoot, Chief, Air Navigation Policies and Standards Division, Air Navigation System Requirements Branch, Air Navigation System Directorate, Department of Transport, Ottawa, Ontario. K1A 0N8.  
Tel. (613) 991-9921; Fax (613) 998-7416.

## **Marine Group**

### ■ Canadian Coast Guard

Formal consultation on Canadian Coast Guard initiatives takes place at meetings of the Canadian Marine Advisory Council (CMAC). CMAC is a joint government/industry consultative forum at which the implications of proposed changes to marine regulatory initiatives are reviewed and alternatives considered before they are put forward as a draft regulation. The following initiatives have either been subject to CMAC review or will be in the ensuing months.

#### **Small Vessel Regulations: Construction Standards Update**

This effort is to review and harmonize the construction standards with international standards. It is intended to modernize the current edition and remove obsolete requirements and adjust others to technological development.

The Canadian Marine Advisory Council (CMAC) Small Vessel Workshop group should undertake the work in the Fall 1993 and complete the document by August 1995.

**Contact:** S.J. Wylie Stewart, Equipment and Operations, Ship Safety, Canadian Coast Guard, Department of Transport, Ottawa, Ontario, K1A 0N7.  
Tel. (613) 998-0664; Fax (613) 993-8196.

#### **Various Regulations: Polyurethane Foam**

Large Fishing Vessel Inspection Regulations; Small Fishing Vessel Inspection Regulations; Hull Construction Regulations; and Towboat Crew Accommodation Regulations

At present, the Board of Steamship Inspection restricts the use of "Polyurethane Foam" type

insulation materials on Canadian ships. This type of insulation is only acceptable for use on non-passenger vessels, in low fire hazard areas such as cargo holds and refrigerated compartments. Where the insulation is allowed in low fire hazard area of non-passenger vessels, the surface of the insulation is required to be covered with a protective facing.

Even in some low fire hazard areas it has been found that "Polyurethane Foam" insulation is a potential fire hazard when exposed to fire or even intense heat. It has therefore been decided that in the interests of uniformity and safety, the use of "Polyurethane Foam" type insulation should, with the exception of fishing boat fish holds, be prohibited on all new Canadian ships.

These amendments only apply to new non-passenger vessels and will not involve additional costs to the shipbuilding industry. The main application for "Polyurethane Foam" insulation on board ship is the insulation of fishing vessel fish holds. These holds are exempt from the restrictions imposed by the amendment. Some negative impact may be experienced by insulation installers or manufacturers that only produce or install "Polyurethane Foam" type insulation.

**Contact:** Normand Breton, Marine Surveyor, Regulations Development, Ship Safety, Canadian Coast Guard, Department of Transport, Ottawa, Ontario, K1A 0N7.  
Tel. (613) 991-3172; Fax (613) 954-4916.

#### **Hull Construction Regulations: Part XI, Part XII, and Lakeside Tanks**

Part XI – These proposed amendments will incorporate, in a new Part XI of the existing regulations, the latest amendments to Safety of Life at Sea (SOLAS 1974) regarding the subdivision and stability for passenger ships and, in other sections, the latest amendments made by the International Maritime Organization (IMO) arising from the Herald of Free Enterprise Inquiry. This regulatory initiative is designed to increase the safety of passengers on Canadian vessels. These amendments are expected to have minimal economic impacts on the design and construction of new vessels.

Part XII – These proposed amendments will incorporate, in a new Part XII of the existing regulations, the latest amendments to Safety of Life at Sea (SOLAS 1974) regarding the fire protection and fire detection for passenger ships. This regulatory initiative is designed to increase the safety of passengers on Canadian vessels. These amendments are expected to have minimal

economic impacts on the design and construction of new vessels.

**Lakeside Tanks** – Following the sinking of a Great Lakes vessel, the subsequent inquiry highlighted the vulnerability of certain lake ship designs to flooding as a result of relatively minor shell damage. These amendments will require effective measures to prevent cargo hold flooding in the event of minor shell damage to dry cargo vessels. This amendment applies only to new dry cargo vessels operating on inland waters. The amendment reflects normal practice with regard to modern lake ship design and will not cause additional costs to the shipbuilding industry. No impact is foreseen with respect to any other sector of the Canadian society or economy.

**Contact:** Normand Breton, Marine Surveyor, Regulations Development, Ship Safety, Canadian Coast Guard, Department of Transport, Ottawa, Ontario, K1A 0N7.

Tel. (613) 991-3172; Fax (613) 954-4916.

### **Garbage Pollution Prevention Regulations**

Regulations prohibiting the discharge of garbage from ships into Canadian waters and fishing zones have been in effect since 1971.

Canada recently acceded to the International Maritime Organization's convention MARPOL 73/78 and subsequently amended regulations dealing with pollution from oil and noxious liquid substances to reflect current international standards. It is the intention of the Canadian Coast Guard to also amend the Garbage Pollution Prevention Regulations to reflect the requirements of Annex V of MARPOL 73/78. Annex V is an optional annex dealing with the prevention of pollution by garbage. Annex V allows a limited discharge of garbage in certain offshore areas but, because topics such as reception facilities, training, minimizing potential garbage, shipboard garbage handling and storage procedures, and processing equipment such as grinders and incinerators are addressed, the overall effects of garbage pollution from ships should be reduced.

The Coast Guard has initiated a study into the effects of cargo residue disposal on the Great Lakes which is prohibited under Annex V. Consultation with the marine industry will continue through the Canadian Marine Advisory Council (CMAC).

**Contact:** Cam Wallace, Chief, Pollution Prevention, Regulations and Special Projects, Ship Safety, Canadian Coast Guard, Department of Transport, Ottawa, Ontario, K1A 0N7.

Tel. (613) 991-3166; Fax (613) 954-4916.

### **High Speed Craft Regulations**

For many years, amphibious Air Cushion Vehicles (ACV) have been regulated under Air Regulations. This has created difficulties and anomalies, and has required Canada to retain an obsolete definition of "aircraft" in the Aeronautics Act, contrary to international definition.

A new International Code of Safety for High Speed Craft is being developed at the International Maritime Organization (IMO) and is planned to come into force January 1, 1996. It is a very detailed document and embraces ACV's. Following the recent example of adopting IMO Standards attached to the International Convention for the Prevention of Pollution from Ships, 1973 and the Protocol of 1978 relating thereto (MARPOL 73/78) as domestic noxious liquid substance and bulk chemical carrier regulations, it is planned to adopt the IMO High Speed Craft Code by reference.

The alternative would be to develop new regulations which would be largely repetitive of the IMO Code and which would require many years to pass through the regulatory process.

The department will make the Canadian shipping industry aware of this initiative, and provide opportunities for comment through the Canadian Marine Advisory Council (CMAC).

**Contact:** Ron Wade, Superintendent Special Ships, Ship Design and Construction Division, Ship Safety, Canadian Coast Guard, Department of Transport, Ottawa, Ontario, K1A 0N7.

Tel. (613) 998-0660; Fax (613) 991-5670.

### **Small Vessel Regulations: Carriage Requirements**

This amendment reflects the upgrading of safety equipment required on pleasure craft, small passenger vessels up to five gross tons and uninspected commercial vessels.

These requirements were recommended by the Canadian Marine Advisory Council (CMAC).

**Contact:** S.J. Wylie Stewart, Superintendent, Equipment and Operations, Ship Safety, Canadian Coast Guard, Department of Transport, Ottawa, Ontario, K1A 0N7.

Tel. (613) 998-0664; Fax (613) 993-8196.

### **Collision Regulations: Revision**

This amendment will both revise the regulations and modify the format to incorporate by reference the International Regulations for Preventing Collisions at Sea, 1972, as amended from time to time, and to which Convention Canada is a signatory. This amendment is necessary to properly comply with current Canadian regulatory drafting practices and



to ensure that the conduct of Canadian vessels will continue to be regulated in the internationally accepted phraseology with which Canadian mariners are, by tradition, well familiar.

There will be no adverse effects arising from these changes. This amendment will facilitate future amendments to the regulations and will also address concerns raised by other government departments and private industry.

**Contact:** Dave G. Jenkins, Senior Surveyor, Equipment and Navigation Safety, Ship Safety, Canadian Coast Guard, Department of Transport, Ottawa, Ontario, K1A 0N7.

Tel. (613) 991-3137; Fax (613) 993-8196.

### **Nautical Procedures and Practices Regulations**

The proposed regulations are intended to address manning and equipment requirements on board ship by prescribing the basic procedures and practices that must be applied by personnel in the safe operation and navigation to make such regulations in accordance with an international convention.

There will be no adverse impact arising from these new regulations. They will clearly regulate the important duties to be carried out by persons on board ships. Such functions have evolved effectively and safely from the ordinary practices of prudent mariners. The regulations will therefore require mariners to follow accepted good standard practices related to safety and pollution prevention, with the consequent benefit of enhancing shipping safety and the protection of the marine environment.

**Contact:** Dave G. Jenkins, Senior Surveyor, Equipment and Navigation Safety, Ship Safety, Canadian Coast Guard, Department of Transport, Ottawa, Ontario, K1A 0N7.

Tel. (613) 991-3137; Fax (613) 993-8196.

### **Boat and Fire Drill Regulations**

This amendment is a safety-related issue which addresses boat and fire drills on ships. A major revision to Chapter III of the Safety of Life at Sea Convention 1974 (SOLAS) became effective on July 1, 1986. Canada is a signatory of this Convention and thus has to comply with the new requirements. A revision of the subject regulations will bring Canadian legislation in line with SOLAS. The benefits are that the amended regulations will be easier for the user to understand. Additionally, Canadian ships will be accepted in foreign convention ports as being in compliance and passengers and crews of Canadian Ships will, therefore, be better protected in the event of a marine emergency. No additional costs will be incurred.

**Contact:** Dave G. Jenkins, Senior Surveyor, Equipment and Navigation Safety, Ship Safety, Canadian Coast Guard, Department of Transport, Ottawa, Ontario, K1A 0N7.

Tel. (613) 991-3137; Fax (613) 993-8196.

### **Navigating Appliances and Equipment Regulations**

Technical standards concerning navigating appliances and equipment are currently presented in a separate departmental publication. This amendment will incorporate these technical standards directly into the regulations, and schedule the truly technical standards material to the regulations by reference. This initiative is in response to concerns from the Standing Joint Committee for the Scrutiny of Regulations in relation to the way the present regulations deal with the standards.

Consistent with the process of simplifying and consolidating regulations, the Steering Appliances and Equipment Regulations will be revoked and the provisions related to equipment will be incorporated as an amendment to these regulations.

This amendment also updates the provisions concerning manoeuvring data and requires ships to fit navigational radars capable of operating in the 9-GHz frequency band in light of recent international developments.

The transfer of existing standards and relevant steering equipment provisions into the regulations and the updating of manoeuvring data will have no economic or social impact. Cost of fitting the 9-GHz radar will be minimal to the public sector since the majority of existing vessels are already fitted with this equipment.

**Contact:** F. Harvey Wade, Senior Surveyor, Equipment and Navigation Safety, Ship Safety, Canadian Coast Guard, Department of Transport, Ottawa, Ontario, K1A 0N7.

Tel. (613) 991-3136; Fax (613) 993-8196.

### **Ship Station Radio Regulations: NAVTEX**

The Amendments to the 1974 SOLAS (Safety of Life at Sea) Convention concerning radio communications for the Global Maritime Distress and Safety System (GMDSS) came into effect on February 1, 1992. These international provisions herald the implementation of the GMDSS which is scheduled to be phased-in over a seven year period. NAVTEX is an essential GMDSS element and due to its importance as an efficient means of broadcasting marine safety information, it was decided that ships be required to fit NAVTEX receivers by August 1, 1993.

This amendment gives national recognition to this GMDSS initiative by requiring certain Canadian ships to fit a NAVTEX receiver when making voyages in any area where a NAVTEX service is provided. It is anticipated that the NAVTEX service will generally have a world-wide application and consequently Canadian ships fitted with NAVTEX receivers will be accepted as being in compliance when visiting foreign ports.

This amendment will enhance safety in that the NAVTEX service will automatically provide mariners with necessary marine safety information rather than by the traditional, less effective means using radiotelephony or Morse Code radiotelegraphy. The cost of a NAVTEX receiver is estimated to be in the \$1500 – 2000 range.

**Contact:** F. Harvey Wade, Senior Surveyor, Equipment and Navigation Safety, Ship Safety, Canadian Coast Guard, Department of Transport, Ottawa, Ontario, K1A 0N7.

Tel. (613) 991-3136; Fax (613) 993-8196.

### **Ship Station Technical Regulations: NAVTEX**

This amendment is directly related to the proposed Ship Station Radio Regulations amendment requiring certain Canadian ships to carry NAVTEX receivers. This amendment will identify the technical standard and inspection criteria that NAVTEX receivers must meet.

NAVTEX is an international system which will provide navigational and meteorological information to vessels sailing within 200 miles of the coasts of Canada. The messages are transmitted from selected shore stations and automatically received aboard by a dedicated radioteleprinter; no watchkeeping is required.

Additional costs imposed by this amendment are estimated to be about \$500 per unit for those ships required to comply with the regulations.

**Contact:** William (Bill) C.T. Spence, Chief, Marine Communications, Telecommunications and Electronics, Canadian Coast Guard, Department of Transport, Ottawa, Ontario, K1A 0N7.

Tel. (613) 998-1564; Fax (613) 998-9258.

### **Small Fishing Vessel Safety Regulations**

The Small Fishing Vessel Safety Regulations are intended to replace and update the current regulations known as the Small Fishing Vessel Inspection Regulations. The new regulations relate to the construction, inspection and operation of fishing vessels not exceeding 24 meters in length and having a maximum gross tonnage of 150 tons. It is divided into two sections. The first section deals with small fishing vessels exceeding 15 tons, gross

tonnage, and the second with those not exceeding 15 tons, gross tonnage.

At the meeting of the Canadian Marine Advisory Council (CMAC) of the Coast Guard, in May 1993, the technical contents of the regulations were approved by members of the working group, subject to revision following possible changes after they have been examined by legal counsel.

The enforcement of these regulations through safety and construction standards will result in additional costs to fishing vessel owners. The costs to be borne by Canadian owners will vary according to the vessel's design, size and type of operation. These regulations will have the beneficial effect of contributing to the safeguarding of human life at sea and to the safety of fishing vessel operations.

**Contact:** Normand Breton, Senior Surveyor, Regulations Development, Ship Safety, Canadian Coast Guard, Department of Transport, Ottawa, Ontario, K1A 0N7.

Tel. (613) 991-3172; Fax (613) 954-4916.

### **Safety Convention Certificate Regulations**

These regulations will be amended to reflect the new form of the ship inspection certificates, which must henceforth conform to the regulations of the 1974 International Convention for the Safety of Life at Sea (SOLAS), the 1978 Protocol and the amendments thereto, which are now all in force internationally.

The amendment merely involves altering the format of the certificates and will incur negligible costs for the government.

**Contact:** Normand Breton, Senior Surveyor, Regulations Development, Ship Safety, Canadian Coast Guard, Department of Transport, Ottawa, Ontario, K1A 0N7.

Tel. (613) 991-3172; Fax (613) 954-4916.

### **Pleasure Craft Sewage Pollution Prevention Regulations**

The problem of sewage pollution from pleasure vessels has become a concern in the province of Manitoba. The Manitoba Department of Environment has nominated three bodies of water for inclusion in the Schedule to the regulations: Red River from Manitoba-United States of America border to Lake Winnipeg; Assiniboine River from Red River upstream to St. James Bridge in the City of Winnipeg; and Manitoba portion of Shoal Lake, lat. 49° 37' N, long. 95° 10' W.

This amendment will stop contamination of these bodies of water by sewage from pleasure craft.

**Contact:** David T. Ford, Marine Surveyor, Pollution Prevention, Ship Safety, Canadian Coast Guard, Department of Transport, Ottawa, Ontario,



K1A 0N7.

Tel. (613) 991-3168; Fax (613) 954-4916.

### **Great Lakes Sewage Pollution Prevention Regulations**

This amendment provides an alternative to the requirement to fit a continuous recording instrument on marine sanitation devices of ships that discharge treated effluent into the Canadian waters of the Great Lakes. This alternative will allow treated effluent to be sampled and tested at specified intervals. In addition, the amendment will, by the introduction of a fecal coliform count test, bring allowable effluent discharge standards into line with the International Maritime Organization (IMO) standards.

**Contact:** Patrick J. Strain, Senior Surveyor, Pollution Prevention, Ship Safety, Canadian Coast Guard, Department of Transport, Ottawa, Ontario, K1A 0N7.

Tel. (613) 991-3169; Fax (613) 954-4916.

### **Oil Pollution Prevention Regulations**

The Oil Pollution Prevention Regulations give effect to the provisions of Annex I of the International Convention for the Prevention of Pollution from Ships, 1973, and its 1978 Protocol (MARPOL 73/78). These regulations protect the marine environment from ship-source oil pollution by restricting operational pollution and reducing the possibility of accidental pollution. The regulations came into force on February 16, 1993.

Amendments will be made to these regulations to incorporate amendments made to Annex I of MARPOL 73/78. These amendments were adopted by the Marine Environment Protection Committee of the International Maritime Organization on March 6, 1992. The objective is to improve the requirements for the design and construction of oil tankers to prevent oil pollution in the event of collision or grounding. New oil tankers will require double-hull construction, or an alternative that ensures at least the same level of protection against oil pollution in the event of collision or stranding. The amendment will incorporate a departmental standard by reference.

It is estimated that the construction cost for an oil tanker with a double-hull exceeds that for a comparable oil tanker with a single-hull by approximately 15 per cent. Benefits derived from this initiative include increased protection of the marine environment in the event of an oil tanker collision or stranding.

Other amendments will be made to the regulations to improve their clarity, provide consistency with

international requirements, and remove any unintentional requirements made on certain Canadian ships. Since the regulations came into force, the Coast Guard's experience in applying the provisions of the regulations have demonstrated the need to improve and clarify certain regulatory provisions. There will be no new costs associated with these changes.

**Contact:** Tito De Concilys, A/Program Control Officer, Pollution Prevention, Ship Safety, Canadian Coast Guard, Department of Transport, Ottawa, Ontario, K1A 0N7.

Tel. (613) 990-6364; Fax (613) 954-4916.

### **Pollutant Substances Regulations**

The objective of the Pollutant Substances Regulations is to protect the marine environment from pollution caused by the discharge of pollutant substances (chemicals) from ships. The regulations prescribe over 400 substances as pollutants, prohibits their discharge into Canadian waters and fishing zones, and requires that all discharges of such substances be reported to a pollution prevention officer.

With the recent introduction of the Pollutant Discharge Reporting Regulations and the Dangerous Chemicals and Noxious Liquid Substances Regulations, it is now necessary to amend the Pollutant Substances Regulations to ensure that regulatory provisions, addressing chemical discharges, are harmonious.

This is a housekeeping amendment; consequently, there will be no new costs, nor any adverse effects, to the private sector as a result of this amendment.

**Contact:** Tito De Concilys, A/Program Control Officer, Pollution Prevention, Ship Safety, Canadian Coast Guard, Department of Transport, Ottawa, Ontario, K1A 0N7.

Tel. (613) 990-6364; Fax (613) 954-4916.

### **Mobile Offshore Drilling Unit Regulations**

The Canada Shipping Act provides for the making of regulations prescribing standards for the construction, inspection and safe operation of Mobile Offshore Drilling Units (MODU) used in the exploration and exploitation of offshore oil and gas. The regulations will be based on the International Maritime Organizations MODU Code 1989, the Canadian Coast Guard MODU Standards (1984) and will be harmonized with the proposed Canadian Oil and Gas Lands Administration (now Energy, Mines and Resources) Installations Regulations.

The regulations will be promulgated under the Oil and Gas Production and Conservation Act as well as the Canada Shipping Act.

No substantial impact on the industry is anticipated because the requirements are already in effect and this initiative will harmonize them into a single document.

**Contact:** Robert Smyth, Superintendent, Offshore Operations, Design and Construction Branch, Ship Safety, Canadian Coast Guard, Department of Transport, Ottawa, Ontario, K1A 0N7.  
Tel. (613) 998-0653; Fax (613) 991-5670.

### **Tackle Regulations**

The present regulations, which stem from the International Labour Conference of 1932, require updating as a result of recent developments in cargo handling equipment and advances in technology. Outdated requirements will be replaced by new ones which will address modern methods of marine cargo handling and their attendant hazards.

The replacement of outdated requirements with useful and practical ones, which reflect in large measure what is already common application, is likely to lead to a reduction in accidents. The costs imposed will be minimal as industry is already in the process of adopting new technology.

**Contact:** Jan Zwaan, Marine Surveyor, Ship Control and Operational Safety, Ship Safety, Canadian Coast Guard, Department of Transport, Ottawa, Ontario, K1A 0N7.  
Tel. (613) 991-3142; Fax (613) 993-8196.

### **Public Harbours Regulations: Tariff Increase**

Amendments to these regulations will increase tariff rates in order to maintain the financial position of the public ports. Amendments are also necessary to reflect operational requirements.

Minimal impact is expected from these increases. Users will be fully consulted and their comments will be carefully considered before any decision is taken on the increase to these fees.

**Contact:** Jim Quinn, A/Director, Program Management Branch, Harbours and Ports Directorate, Canadian Coast Guard, Department of Transport, Ottawa, Ontario, K1A 0N7.  
Tel. (613) 993-5792; Fax (613) 954-0838.

### **Government Wharves Regulations: Tariff Increase**

Amendments to these regulations will increase tariff rates in order to maintain the financial position of the public ports. Amendments are also necessary to reflect operational requirements.

Minimal impact is expected from these increases. Users will be fully consulted and their comments will be carefully considered before any decision is taken on the increase to these fees.

**Contact:** Jim Quinn, A/Director, Program Management Branch, Harbours and Ports, Canadian Coast Guard, Department of Transport, Ottawa, Ontario, K1A 0N7.  
Tel. (613) 993-5792; Fax (613) 954-0838.

### **Proclamation of Victoria and Esquimalt as a Harbour Commission**

The proclamation by the Governor in Council of a Harbour Commission for Victoria and Esquimalt would establish harbour limits, state the corporate name of the Commission and fix the number of members.

The Municipalities of Victoria and Esquimalt asked the Minister of Transport in June 1992 to grant Harbour Commission status to the Ports of Victoria and Esquimalt. This matter is still under consideration and if, as a result of negotiations, a decision is made to establish a Harbour Commission for these ports, it will be necessary to proceed by Order-in-Council. There is no alternative as proclamation of a Harbour Commission by Governor in Council is required by the Harbour Commissions Act.

**Contact:** Jim Quinn, A/Director, Program Management Branch, Harbours and Ports, Canadian Coast Guard, Department of Transport, Ottawa, Ontario, K1A 0N7.  
Tel. (613) 993-5792; Fax (613) 954-0838.

### **Public Harbour Regulations: Interest on Overdue Accounts**

An amendment is necessary to reduce outstanding accounts receivable from fees charged pursuant to the Public Harbours Regulations by adding an interest clause. The Department of Transport is responding to government wide efforts to improve cash flow, increase revenues and decrease costs. This initiative is in keeping with the initiative of the Comptroller General's Office to amend the Financial Administration Act giving authority to fix the rate of interest on unpaid rates, tolls, fees and other charges. The intent is to encourage more timely payment and reduce the outstanding accounts receivable balance.

This amendment could result in additional costs to users of public port services and facilities if amounts owed to the Department of Transport are not paid on time. However, the charging of interest on overdue accounts is an accepted practice intended to provide an incentive to debtors to pay accounts on time.

There is no alternative available as fixing the rate of interest on unpaid accounts is required under section 12(k) of the Public Harbours and Port Facilities Act.



**Contact:** Jim Quinn, A/Director, Program Management Branch, Harbours and Ports, Canadian Coast Guard, Department of Transport, Ottawa, Ontario, K1A 0N7.  
Tel. (613) 993-5792; Fax (613) 954-0838.

## Surface Group

### ■ Road Safety and Motor Vehicle Regulation

The Road Safety and Motor Vehicle Regulation Directorate will consult industry through their trade organizations regarding proposed changes to the following Motor Vehicle Safety Regulations. National public safety organizations are also consulted through regular meetings. These discussions provide an opportunity for consideration of alternatives. Consultation will also take place through the *Canada Gazette*.

#### **Motor Vehicle Safety Regulations, Standards 105 and 121: Hydraulic and Air Brake Systems**

Automatic brake adjusters will be required on all vehicles other than motorcycles. Automatic adjusters are common on hydraulic brakes, and their use with air brakes is increasing. Automatic adjusters help minimize brake response times and thereby reduce stopping distances.

Automatic hydraulic brake adjusters will have to remain activated during the hydraulic brake road test procedure, to better simulate normal use. They may currently be locked out during the procedure, at the manufacturer's option.

Canadian Motor Vehicle Safety Standard (CMVSS) 105 requires the hydraulic brake failure tell-tale on the instrument panel to illuminate, to check its function, each time the engine is started. For those vehicles equipped with a manual transmission and clutch pedal starter interlock, the requirement for tell-tale illumination will be required only when the engine ignition key is turned and the clutch pedal is fully depressed.

New requirements for air brakes will be added concerning adjustment indicators, timing and actuation energy source of parking brakes, reservoirs and trailer brake performance in the event of failure, and compressor cut-in pressure. These new requirements are intended to improve the reliability of air brake systems. CMVSS 121 requirements will be extended to container chassis trailers, some designs of which are currently exempt. These amendments will harmonize with the equivalent United States regulations and the costs involved will be minimal. The Department of

Transport's Regulatory Review Panel recommended that this standard be revised.

**Contact:** Douglas Jacques, Automotive Safety Engineer, Road Safety and Motor Vehicle Regulation Directorate, Department of Transport, Ottawa, Ontario, K1A 0N5.  
Tel. (613) 998-1966; Fax (613) 998-4831.

#### **Motor Vehicle Safety Regulations, Standard 111: Rearview Mirrors**

This amendment to the standard will prescribe a performance-oriented requirement for school bus mirror systems. The change will require bus drivers to be able to see, either directly or through mirrors, certain specified areas in front, and along the side, of the bus. It will also specify certain criteria for convex cross view mirrors and will establish test conditions designed to ensure that the image of an object is not unreasonably distorted.

The amendment will remove a perceived restriction affecting the introduction of new mirror systems that may provide better glare protection. Specifically, the reference to prismatic type mirrors in the section relating to reflectivity tests will be deleted and replaced with a more broadened terminology that will allow the use of electrochromic mirror technology.

These amendments will harmonize with the equivalent United States regulations and the costs involved will be minimal.

The Department of Transport's Regulatory Review Panel recommended that this standard be revised.

**Contact:** Paul Lemay, Engineer, Road Safety and Motor Vehicle Regulation Directorate, Department of Transport, Ottawa, Ontario, K1A 0N5.  
Tel. (613) 998-1967; Fax (613) 998-4831.

#### **Motor Vehicle Safety Regulations, Standard 202: Head Restraints**

This amendment will extend the requirements for head restraints to trucks, multipurpose passenger vehicles and buses, all having a Gross Vehicle Weight Rating (GVWR) of less than 4 536 kg. Since most vehicles will be in compliance with a similar United States Regulation, this amendment will have a very slight economic cost to Canadians. There should be a small reduction in neck injuries resulting from this amendment.

The Department of Transport's Regulatory Review Panel recommended that this standard be revised.

**Contact:** William (Bill) Gardner, Engineer, Road Safety and Motor Vehicle Regulation Directorate, Department of Transport, Ottawa, Ontario, K1A 0N5.  
Tel. (613) 998-1961; Fax (613) 998-4831.

**Motor Vehicle Safety Regulations, Standard 210: Seat Belt Assembly Anchorages**

The technical amendments to safety standard 210 are being made in order to enhance the level of protection provided by seat belts by specifying improved seat belt geometry.

Specifically, the amendment limits the area in which seat belt anchorages can be installed by reducing the range of permitted lap belt angles from 20 to 75, to 30 to 75. In addition, several changes are being made to clarify the magnitude of the test loads and how these are to be applied for specific seat belt anchorages.

The amendment is not expected to result in any additional costs to the industry as this amendment reflects current design practice. The amendment will be in harmony with similar regulations in the United States.

The Department of Transport's Regulatory Review Panel recommended that this standard be reviewed.

**Contact:** John Neufeld, Engineer, Road Safety and Motor Vehicle Regulation Directorate, Department of Transport, Ottawa, Ontario, K1A 0N5.

Tel. (613) 998-1959; Fax (613) 998-4831.

**Motor Vehicle Safety Regulations, Standard 210.1: Tether Anchorages**

This new initiative will extend the applicability of child restraint tether anchorages to multi-purpose vehicles. A regulation requiring tether anchorages in passenger cars became effective on January 1, 1989.

A tether anchorage is a hole or a threaded hole in a vehicle where the top of a child restraint is secured using a tether strap and hardware. Tethering the top of a child restraint will reduce significantly the head movement of a child in a crash and consequently will decrease the possibility of head contact resulting in injuries. The hole must be inside a specified zone and must withstand a specified static load.

Mini-vans, passenger vans, passenger-carrying utility vehicles and most 4 X 4 vehicles are classified as multipurpose passenger vehicles. These vehicles, especially mini-vans, have become increasingly popular with young families. They would benefit the most from easy and safe installation of child restraint systems.

Costs incurred by manufacturers for installation of tether anchorages and testing for compliance should be approximately the same as for passenger cars and therefore should have minimal economic impact.

The Department of Transport's Regulatory Review Panel recommended that this standard be reviewed.

**Contact:** France Legault, Automotive Safety Engineer, Road Safety and Motor Vehicle Regulation, Department of Transport, Ottawa, Ontario, K1A 0N5.

Tel. (613) 998-1963; Fax (613) 998-4831.

**Motor Vehicle Safety Regulations, Standard 214: Side Door Strength**

This amendment will reduce the safety hazard caused by intrusion into the passenger compartment of a motor vehicle impacted in the side during an accident. It will also extend to buses, multipurpose passenger vehicles, and trucks having a gross vehicle weight rating of less than 4 536 kg, the present requirement applicable to passenger cars that the side doors provide a minimum resistance to the crush exerted by a specified load.

It may require that passenger cars protect their occupants when struck on either side by a moveable deformable barrier simulating another vehicle travelling at a speed of 53.6 km/h.

The department will consult with officials of the United States government regarding this initiative.

The Department of Transport's Regulatory Review Panel recommended that this standard be revised.

**Contact:** Darwin S. Van Dusen, Road Safety and Motor Vehicle Regulation Directorate, Department of Transport, Ottawa, Ontario, K1A 0N5.

Tel. (613) 998-1962; Fax (613) 998-4831.

**Motor Vehicle Safety Regulations, Standard 905: Trailer Cargo Anchor Points**

A study conducted by the department has revealed that the failure of the load anchor points on heavy duty trailers has been a contributing factor in accidents resulting in deaths and injuries. In response to this problem an amendment to the Motor Vehicle Safety Regulations is being initiated to require the installation of anchor points of a specified strength on all trailers with a gross vehicle weight rating of over 10 000 kg.

This amendment is part of a regulatory initiative developed in conjunction with the Provinces aimed at improving vehicle load securement regulations. It is estimated that this initiative will cost in the order of \$2 million/year and result in benefits in the order of \$5 million/year.

**Contact:** John Neufeld, Safety Engineer, Vehicle Regulations, Road Safety and Motor Vehicle Regulation Directorate, Department of Transport, Ottawa, Ontario, K1A 0N5.

Tel. (613) 998-1959; Fax (613) 998-4831.



### **Motor Vehicle Safety Regulations, Standard 1106: Noise**

The amendment will reduce the allowable noise level emitted by heavy trucks from the present level of 83 dBA to 80 dBA.

Noise from heavy trucks is a major component of overall highway noise. Mandating a quieter truck fleet will provide a benefit to health by reducing highway noise levels which is expected to reduce hearing loss and other associated health problems. This amendment will prevent the manufacture and importation of noisier trucks, and will be in harmony with existing regulations in the United States.

This amendment is expected to result in direct costs to the industry of 4 million dollars per year. There is also a fuel consumption penalty in the order of 1.5 million dollars per year.

The Department of Transport's Regulatory Review Panel recommended that this standard be revised.

**Contact:** John Neufeld, Engineer, Road Safety and Motor Vehicle Regulation Directorate, Department of Transport, Ottawa, Ontario, K1A 0N5.  
Tel. (613) 998-1959; Fax (613) 998-4831.

### **Motor Vehicle Safety Regulations: Restricted-Use Motorcycle Standards**

Through the early 1980s three and four wheel all-terrain vehicles (ATVs) gained widespread popularity for recreational purposes. Commensurate with this phenomenon, the number of individuals injured while operating ATVs rose dramatically. The importers of ATVs voluntarily stopped importing and selling three wheel ATVs in 1988 and developed a voluntary standard for four-wheel ATVs to minimize the safety risks to users.

The regulations will adopt the Canadian All-Terrain Vehicle Distributors Council Voluntary Standard for 4-Wheel All-Terrain Vehicles and will include additional requirements to improve the conspicuity of the vehicle to reduce the risk of collisions between ATVs and with other vehicles. This includes the requirement that all ATVs have headlamps, daytime running lamps, tail lamps and, for the adult ATV, stop lamps. The regulation would also prohibit three-wheel ATVs. The benefits and costs of this regulation are being analyzed.

**Contact:** Charles Morton, Head, Vehicle Regulations, Road Safety and Motor Vehicle Regulation Directorate, Department of Transport, Ottawa, Ontario, K1A 0N5.  
Tel. (613) 998-1958; Fax (613) 998-4831.

## **■ Transport of Dangerous Goods**

The Transportation of Dangerous Goods Directorate will consult with industry, the provinces, other

federal government departments and through the *Canada Gazette*. These discussions will also provide an opportunity for consideration of alternatives for the following proposed changes.

### **Transportation of Dangerous Goods Regulations: Omnibus**

This amendment will result from an in depth review of the regulations and will contain editorial changes and clarifications aimed at simplifying the regulations. It will also include initiatives previously outlined in the Regulatory Plan such as proposals regarding empty drums, training, the Class 9 placard, 30 day accident reporting and exemptions for certain dangerous goods in quantities less than 500 kg. The amendment is also expected to contain the intent of as many permits as possible and a proposal to remove Schedule II (lists) from the regulations.

The purpose of the omnibus amendment is to initiate a regular amending cycle to coincide with the three-year training requirement currently stated in the regulations.

**Contact:** John R. Monteith, Director, Regulatory Affairs Branch, Transport Dangerous Goods Directorate, Department of Transport, Ottawa, Ontario, K1A 0N5.  
Tel. (613) 990-1154; Fax (613) 993-5925.

### **Transportation of Dangerous Goods Regulations: Schedule XII**

An amendment to Schedule XII of the regulations will reflect changes to the lists in Schedule II and the results of an extensive review of the appropriate dangerous goods to be included or deleted from Schedule XII. This review is based on accident experience since the original enactment of Schedule XII in 1985.

Some new dangerous goods have proven to constitute an elevated risk to the public and will be included in the Schedule. Others presently listed in Schedule XII will be deleted as a result of a reassessment of their risk factor. The revised Schedule XII will also reflect a thorough evaluation of the Special Dangerous Commodities listing in the regulations for the Transportation of Dangerous Commodities by Rail as to the appropriateness of including all or any of these in the Schedule. It is anticipated that there will be minimal costs to the industry.

**Contact:** John R. Monteith, Director, Regulatory Affairs Branch, Transport Dangerous Goods Directorate, Department of Transport, Ottawa, Ontario, K1A 0N5.  
Tel. (613) 990-1154; Fax (613) 993-5925.

**Transportation of Dangerous Goods Regulations: Standards Updates and Miscellaneous Amendments**

The Transportation of Dangerous Goods Regulations incorporate by reference a number of consensus standards dealing with construction, selection and use of means of containment for the transportation of dangerous goods. These standards are often revised and amended for clarification or to incorporate a minor technological change. As well, to promote harmonization, certain provision of the Transportation of Dangerous Goods Regulations may be the subject of amendment to reflect changes in international and North American dangerous goods transport practice or requirements. These amendments are not expected to generate any cost to industry as they will reflect current industry practice or allow for an alternative method of complying with the regulations. The benefit in international and North American harmonization of dangerous good transport requirements is possibly an increase in international and North American trade.

**Contact:** John R. Monteith, Director, Regulatory Affairs Branch, Transport Dangerous Goods Directorate, Department of Transport, Ottawa, Ontario, K1A 0N5.  
Tel. (613) 990-1154; Fax (613) 993-5925.

**Transportation of Dangerous Goods Regulations: Explosives Transport**

The Explosives Division of the Department of Natural Resources is undertaking a complete reorganization and revision of the regulations made pursuant to the Explosives Act. Those provisions in the Explosives Regulations dealing with explosives transport will be incorporated in the Transportation of Dangerous Goods Regulations by this amendment.

This initiative will not change the cost of explosives transport in Canada as it will reiterate the requirements for explosives transport under the Explosives Regulations. There will be a benefit associated in the repeal of some of the provisions of the Explosives Regulations which have become outmoded.

**Contact:** John R. Monteith, Director, Regulatory Affairs Branch, Transport Dangerous Goods Directorate, Department of Transport, Ottawa, Ontario, K1A 0N5.  
Tel. (613) 990-1154; Fax (613) 993-5925.



# Treasury Board Secretariat

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## General Information

### Roles and Responsibilities

The Treasury Board is a committee of the Queen's Privy Council for Canada. The Board consists of the President of the Treasury Board, the Minister of Finance and four other Ministers who are nominated by the Governor in Council.

The Treasury Board Secretariat, headed by the Secretary, is an organization serving the Treasury Board.

The main role of the Treasury Board is the management of the government's financial, personnel, official languages, regulatory affairs and administrative responsibilities. It sets policy in these areas, examines and approves the proposed spending and non-tax revenue plans of government departments, and reviews the development of approved programs.

### Legislative Mandate

The principal legislative authorities for the Treasury Board are the following:

- Financial Administration Act
- Public Service Staff Relations Act
- Official Languages Act

The Treasury Board is also authorized to exercise the regulation-making authority of the Governor in Council to implement:

- Public Service Superannuation Act
- Supplementary Retirement Benefits Act and other superannuation acts

## Initiatives for 1994

### Human Resources Policy Branch

#### TBS-1

##### Pension Protection

The government's transfer or other type of divestiture initiatives may include provisions whereby regulations may be made that will establish the details for the appropriate pension protection options for the Public Service employees involved.

The application of these regulations will be limited to those employees with the Public Service who cease employment as a result of a transfer or other type of divestiture. Costs will be dependent on the number of employees who elect under the options.

**Classification:** Low cost

**Status:** This is a recurring initiative.

**Contact:** Joanne Lee, Chief, Pensions Legislation Development Group, Pensions and Benefits Division, Treasury Board Secretariat, L'Esplanade Laurier, West Tower, Ottawa, Ontario, K1A 0R5. Tel. (613) 952-3233; Fax (613) 952-3240.

#### TBS-2

##### Public Service Superannuation

The existing regulations are to be amended to update statutory references, which are necessary to carry out certain elective service provisions of the Public Service Superannuation Act (PSSA).

The application of these amendments is limited to those PSSA contributors who elect under existing statutory provisions.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number TBS-2.

**Contact:** Joanne Lee, Chief, Pensions Legislation Development Group, Pensions and Benefits Division, Treasury Board Secretariat, L'Esplanade

Laurier, West Tower, Ottawa, Ontario, K1A 0R5.  
Tel. (613) 952-3233; Fax (613) 952-3240.

### **TBS-3**

#### **Public Sector Pension Reform**

Royal Assent was given in September 1992 to public service pension reform legislation that contains enabling provisions whereby regulations are to be made by the Treasury Board or the Governor in Council that will establish the details of several improvements to the existing programs. These improvements include coverage for part-time employees, more flexible arrangements for counting periods of leave without pay as pensionable service, an opportunity for pensioners to elect to cover spouses where the marriage took place after retirement, a special early retirement program for operational employees of Correctional Service of Canada, and continuing authority to provide for the appropriate pension protection upon divestiture. The reform legislation also provides for regulations to be made to bring the public service pension plans into compliance with the requirements of the Income Tax Act and its regulations for registered pension plans, as those requirements existed on January 15, 1992. The new Special Retirement Arrangements Act complements the tax compliance exercise by authorizing the Governor in Council to establish "retirement compensation arrangements" to provide supplementary retirement benefits. The new Pensions Benefits Division Act institutes a mechanism for responding to court orders or separation agreements that provide for the division of pension benefits that have accrued under a public service pension plan. Provision is made for regulations to deal with such matters as application and objection procedures, the valuation of the pension benefits and the adjustment of pension benefits after a pension credit split. The pension reform regulation project will also include the technical corrections and housekeeping improvements that have become necessary over the years. The pension plans affected include the Public Service Superannuation Act, the Canadian Forces Superannuation Act, the Defence Services Pension Continuation Act, the RCMP Superannuation Act, the RCMP Pension Continuation Act and the Members of Parliament Retiring Allowances Act. The improvements mentioned above will be effected in phases over 1993 and part of 1994.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number TBS-3.

**Contact:** Joanne Lee, Chief, Pensions Legislation Development Group, Pensions and Benefits

Division, Treasury Board Secretariat, L'Esplanade Laurier, West Tower, Ottawa, Ontario, K1A 0R5.  
Tel. (613) 952-3233; Fax (613) 952-3240.

### **Comptroller Sector**

#### **TBS-4**

##### **Assignment of Crown Debt Regulations**

These regulations define the classes of payments due to a person by the federal government that may be assigned to another person (usually a creditor) and outline the procedures to be followed when doing so. They are revised periodically as programs are wound up and new programs established.

**Classification:** Low cost

**Status:** This is a recurring initiative.

**Contact:** Robin Findlay, Director, Financial Authorities, Comptroller Sector, Program Branch, L'Esplanade Laurier, 8th Floor, West Tower, 300 Laurier Avenue West, Ottawa, Ontario, K1A 0R5.

Tel. (613) 957-9668; Fax (613) 952-8772.

#### **TBS-5**

##### **Interest on Overdue Accounts Regulations**

The purpose of these regulations, which will be enacted pursuant to section 155.1 of the Financial Administration Act, is to encourage users of government services and facilities who are in a position to repay their debts to discharge their obligations to the Crown in a timely fashion and to obtain compensation for the government's additional borrowing costs when they fail to do so, or when they make a payment with a "NSF" cheque.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Robin Findlay, Director, Financial Authorities, Comptroller Sector, Program Branch, L'Esplanade Laurier, 8th Floor, West Tower, 300 Laurier Avenue West, Ottawa, Ontario, K1A 0R5.

Tel. (613) 957-9668; Fax (613) 952-8772.

#### **TBS-6**

##### **Security for Debts Due to Her Majesty Regulations**

These regulations are required to set out the control framework for accepting and subsequently realizing on or discharging security for debts owing to the federal government.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Robin Findlay, Director, Financial Authorities, Comptroller Sector, Program Branch,



L'Esplanade Laurier, 8th Floor, West Tower,  
300 Laurier Avenue West, Ottawa, Ontario,  
K1A 0R5.

Tel. (613) 957-9668; Fax (613) 952-8772.

#### **TBS-7**

##### **Payment Requisitioning Regulations**

These regulations establish the control framework for the payment requisitioning process between the departments and the Receiver General. These regulations are being reviewed to streamline and modernize the framework and to adapt the requirements to a fully electronic environment.

*Classification:* Low cost

*Status:* This is a new initiative.

*Contact:* Gilles Vézina, Project Manager, Financial Management Policy Division, Comptroller Sector, Program Branch, L'Esplanade Laurier, 8th Floor, West Tower, 300 Laurier Avenue West, Ottawa, Ontario, K1A 0R5.

Tel. (613) 957-9660; Fax (613) 952-8772.

#### **TBS-8**

##### **Cheque Issue Regulations**

These regulations set the control framework for the issuance by the Receiver General of payment instructions to financial institutions. They also outline the control requirements relating to the replacement of cheques and the operation of departmental bank accounts. These regulations are being reviewed to streamline and modernize the framework and to adapt the requirements to a fully electronic environment.

*Classification:* Low cost

*Status:* This is a new initiative.

*Contact:* Gilles Vézina, Project Manager, Financial Management Policy Division, Comptroller Sector, Program Branch, L'Esplanade Laurier, 8th Floor, West Tower, 300 Laurier Avenue West, Ottawa, Ontario, K1A 0R5.

Tel. (613) 957-9660; Fax (613) 952-8772.

#### **TBS-9**

##### **Direct Deposit Regulations**

These regulations establish the control framework for direct deposit of government payments, including subscribing to and terminating direct deposit service and the transmission of payment instructions to financial institutions. These regulations are being reviewed to streamline and modernize the framework and to adapt the requirements to a fully electronic environment.

*Classification:* Low cost

*Status:* This is a new initiative.

*Contact:* Gilles Vézina, Project Manager, Financial Management Policy Division, Comptroller Sector, Program Branch, L'Esplanade Laurier, 8th Floor, West Tower, 300 Laurier Avenue West, Ottawa, Ontario, K1A 0R5.

Tel. (613) 957-9660; Fax (613) 952-8772.

#### **TBS-10**

##### **Destruction of Paid Instruments Regulations**

These regulations set the control framework for the archiving and destruction of paid instruments gathered by the Receiver General. These regulations are being reviewed to streamline and modernize the framework and to adapt the requirements to a fully electronic environment.

*Classification:* Low cost

*Status:* This is a new initiative.

*Contact:* Gilles Vézina, Project Manager, Financial Management Policy Division, Comptroller Sector, Program Branch, L'Esplanade Laurier, 8th Floor, West Tower, 300 Laurier Avenue West, Ottawa, Ontario, K1A 0R5.

Tel. (613) 957-9660; Fax (613) 952-8772.

#### **TBS-11**

##### **Receipt and Deposit of Public Money Regulations**

These regulations establish the control framework for the receipt and deposit of public money. These regulations are being reviewed to streamline and modernize the framework and to adapt the requirements to a fully electronic environment.

*Classification:* Low cost

*Status:* This is a new initiative.

*Contact:* Gilles Vézina, Project Manager, Financial Management Policy Division, Comptroller Sector, Program Branch, L'Esplanade Laurier, 8th Floor, West Tower, 300 Laurier Avenue West, Ottawa, Ontario, K1A 0R5.

Tel. (613) 957-9660; Fax (613) 952-8772.

### **Crown Corporations Directorate**

#### **TBS-12**

##### **Crown Corporation Regulations: Update**

Part X of the Financial Administration Act (FAA) sets out the Crown corporation control and accountability regime and provides for regulations to clarify selected elements of this framework. The current regulatory regime for Crown corporations, relating to corporate plans and budgets, restricted transactions, disposal of property, remuneration, by-laws and borrowings, is being reviewed with a

view to conforming with amendments made to the FAA in May 1991 and streamlining.

On the basis of consultations with Crown corporations and other stakeholders, there is support for more "bare-bones" regulations supplemented by administrative guidelines.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number TBS-4.

**Contact:** Robert Bartlett, Senior Policy Analyst, Policy and Corporate Information Division, Crown Corporations Directorate, Treasury Board Secretariat and Department of Finance, Ottawa, Ontario, K1A 0R5.

Tel. (613) 957-0120; Fax (613) 957-0151.

## **Administrative Policy Branch**

TBS-13

### **Government Contracts Regulations: Revocation**

The Government Contracts Regulations (GCRs) prescribe the conditions governing the entry into contracts for goods or services (including construction) and the conditions for the provision of security to protect the interests of the Crown in such contracts. On January 1, 1994, the North American Free Trade Agreement (NAFTA) will come into force. This will prescribe a similar set of conditions governing the entry into many of the same contracts. To provide a comprehensive federal government procurement policy for departments and agencies that is harmonized with NAFTA, it is proposed that the GCRs be revoked and replaced with a Treasury Board policy statement. The policy would be based on the terms and conditions related to entry into contracts as prescribed by NAFTA, and it would incorporate the GCRs' conditions for the provision of security to protect the interests of the Crown in these contracts.

Harmonization of the two procurement policies could be expected marginally to reduce the administrative burden and costs associated with contracting for both government and industry and should facilitate the ability of industry to access government procurement.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Richard Fosbrooke, Contract and Project Management Division, Administrative Policy Branch, Treasury Board Secretariat, Ottawa, Ontario, K1A 0R5.

Tel. (613) 954-4688; Fax (613) 952-1381.



# Veterans Affairs, Department of

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## General Information

### Roles and Responsibilities

The Department of Veterans Affairs is responsible for the administration of 17 Acts and 29 sets of regulations and orders. These instruments give the Minister the authority to provide programs aimed at ensuring the economic, social, mental and physical well-being of veterans, specified persons and their dependants. The range of services provided includes income support, pensions, health care including special equipment and long-term care, counselling, education assistance, the acquisition of title to property and the commemoration of deceased veterans.

### Legislative Mandate

The following legislation is administered by the Department of Veterans Affairs:

#### Statutes

- Army Benevolent Fund Act
- Children of Deceased Veterans Education Assistance Act
- Department of Veterans Affairs Act

- Merchant Navy Veteran and Civilian War-related Benefits Act
- Pension Act
- Returned Soldiers' Insurance Act
- Soldier Settlement Act
- Special Operators War Service Benefits Act
- Supervisors War Service Benefits Act
- Veterans Appeal Board Act
- Veterans Benefit Act
- Veterans Insurance Act
- Veterans' Land Act
- War Service Grants Act
- War Veterans Allowance Act
- Women's Royal Naval Services and the South African Military
- Nursing Service (Benefits) Act

### Regulations and Orders

- Army Benevolent Fund Regulations
- Assistance Fund (WVA and CWA) Regulations
- Children of Deceased Veterans Education Assistance Regulations
- Civilian Government Employees (War) Compensation Order
- Deceased or Former Members Dependants Payment Order
- Delegation of Powers (VLA) Regulations
- Execution of Purchase of Property Documents Regulations
- Flying Accidents Compensation Regulations
- Gallantry Awards Order
- Guardianship of Veterans' Property Regulations
- Infant or Person of Unsound Mind Payment Order
- Last Post Fund Regulations
- Memorial Cross Order (World War I)
- Memorial Cross Order (World War II)
- Pension and Allowance Adjustment Regulations
- Pensioners Training Regulations
- Regional Advisory Committee Regulations
- Returned Soldiers' Insurance Regulations
- Special Duty Area Pension Order
- Vetcraft Shops Regulations
- Veterans Allowance Regulations
- Veterans Appeal Board Regulations
- Veterans Burial Regulations
- Veterans Estates Regulations
- Veterans Health Care Regulations
- Veterans Insurance Regulations
- Veterans' Land Regulations
- Veterans Treatment Regulations
- War Service Grants Regulations

## Administrative Arrangements

The Department of Veterans Affairs has shared responsibility for the administration of the following Acts:

- Defence Services Pension Continuation Act
- Halifax Relief Commission Pension Continuation Act
- Royal Canadian Mounted Police Pension Continuation Act
- Royal Canadian Mounted Police Superannuation Act
- Penitentiary Inmates Accident Compensation Regulations

Additional administrative amendments will be made to update references to current acts and to ensure gender neutrality.

These amendments will not generate additional costs and will not have any adverse impact on clients.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number VAC-3.

**Contact:** J.L. Cormier, Acting Director, Legislation, Corporate Services, Department of Veterans Affairs, Charlottetown, Prince Edward Island, C1A 8M9. Tel. (902) 566-7463; Fax (902) 566-8051.

## Initiatives for 1994

### VAC-1

#### Veterans Appeal Board Regulations

This proposal will revoke certain sections from the Veterans Appeal Board Regulations dealing with the internal administrative procedures of the Veterans Appeal Board in rendering decisions on appeals and in obtaining documentation in support of appeals, and make these same sections as rules under a different section of the Veterans Appeal Board Act. This initiative results from concerns of the Standing Joint Committee for the Scrutiny of Regulations, and will bring the Veterans Appeal Board Regulations into closer harmony with the Veterans Appeal Board Act.

This amendment will not generate additional costs or savings and will not have any adverse impact on clients.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number VAC-1.

**Contact:** J.L. Cormier, Acting Director, Legislation, Corporate Services, Department of Veterans Affairs, Charlottetown, Prince Edward Island, C1A 8M9. Tel. (902) 566-7463; Fax (902) 566-8051.

### VAC-2

#### Veterans Allowance Regulations

Under the War Veterans Allowance Act, there is provision for paying additional War Veterans Allowance benefits to clients who are blind. The regulations will be amended by adding a provision describing the circumstances under which a client is to be classified as blind.

Residency provisions for the allowance program will also be amended to reflect more clearly the intent of allowing for up to a maximum of three months' absence from Canada during any current year without affecting a client's residency or eligibility.

### VAC-3

#### Regulations for the Administration of Veterans Benefits

These proposed regulations will implement a new system to assist veterans, or their dependants, if their ability to manage their financial affairs decreases to a point where help is needed. The system will provide for such services as third-party administration, redirection of monthly benefits to cover maintenance costs, the delivery of benefits by more frequent instalments, such as weekly instead of monthly, and administration of veterans' moneys by the department.

These regulations will also contain provisions for processing the administered accounts of clients upon death.

These regulations will not generate additional costs and will not have any adverse impact on clients.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number VAC-5.

**Contact:** J.L. Cormier, Acting Director, Legislation, Corporate Services, Department of Veterans Affairs, Charlottetown, Prince Edward Island, C1A 8M9. Tel. (902) 566-7463; Fax (902) 566-8051.

### VAC-4

#### Guardianship of Veterans Property Regulations

These regulations contain certain provisions dealing with the administration of veterans' moneys. To avoid any duplications or ambiguities, those provisions will be revoked when the new Regulations for the Administration of Veterans Benefits (see VAC-3) are approved.

The remaining provisions in the Guardianship of Veterans Property Regulations, which deal with gifts and bequests donated to the department for the general benefit of veterans and their dependants, will be re-enacted in a new set of regulations on gifts and bequests.



These changes will not generate additional costs and will not have any adverse impact on clients.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number VAC-6.

**Contact:** J. L. Cormier, Acting Director, Legislation, Corporate Services, Department of Veterans Affairs, Charlottetown, Prince Edward Island, C1A 8M9. Tel. (902) 566-7463; Fax (902) 566-8051.

#### VAC-5

##### **Veterans Estate Regulations**

These regulations, which contain provisions for processing the administered accounts of veterans at the time of death, will be revoked as soon as the Regulations for the Administration of Veterans Benefits (see VAC-3) are approved because the new regulations will contain provisions for processing estate moneys.

This amendment will not generate additional costs nor will it have any adverse impact on clients.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number VAC-7.

**Contact:** J.L. Cormier, Acting Director, Legislation, Corporate Services, Department of Veterans Affairs, Charlottetown, Prince Edward Island, C1A 8M9. Tel. (902) 566-7463; Fax (902) 566-8051.

#### VAC-6

##### **Children of Deceased Veterans Education Program**

Amendments to the Children of Deceased Veterans Education Assistance Regulations will make provision for the new Regulations for the Administration of Veterans Benefits (see VAC-3). They would apply to clients receiving benefits under this program should there be a need.

These amendments will not generate additional costs and will not have any adverse impact on clients.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number VAC-8.

**Contact:** J.L. Cormier, Acting Director, Legislation, Corporate Services, Department of Veterans Affairs, Charlottetown, Prince Edward Island, C1A 8M9. Tel. (902) 566-7463; Fax (902) 566-8051.

#### VAC-7

##### **Veterans Treatment Regulations**

When the new Veterans Health Care Regulations were approved in 1990 all the provisions contained in the Veterans Treatment Regulations were revoked

except those sections pertaining to the administration of veterans' benefits. These sections were not revoked at that time because a major study on administration was underway. Now that the study has been completed, these sections will be revoked and provision will be made in the new Veterans Health Care Regulations to allow the new Regulations for the Administration of Veterans Benefits (see VAC-3) to apply to the health care program.

This amendment will not involve any additional costs and will not impact on clients.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number VAC-9.

**Contact:** J.L. Cormier, Acting Director, Legislation, Corporate Services, Department of Veterans Affairs, Charlottetown, Prince Edward Island, C1A 8M9. Tel. (902) 566-7463; Fax (902) 566-8051.

#### VAC-8

##### **Gallantry Awards Order**

The order which provides for payment to veterans holding specific war medals will be amended to make provision for the new Regulations for the Administration of Veterans Benefits (see VAC-3). This would allow the new regulations to be applied in situations in which a veteran receiving moneys under the order may not be able to manage his or her own financial affairs.

This amendment will not generate any additional costs and will not affect clients.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number VAC-10.

**Contact:** J.L. Cormier, Acting Director, Legislation, Corporate Services, Department of Veterans Affairs, Charlottetown, Prince Edward Island, C1A 8M9. Tel. (902) 566-7463; Fax (902) 566-8051.

#### VAC-9

##### **Veterans Burial Regulations**

Presently, the department provides funeral and burial assistance to eligible disability pensioners and other qualified veterans by way of two separate programs under the Department of Veterans Affairs Act and the Pension Act. Amendments to the Veterans Burial Regulations will complete the amalgamation of these two programs into one and thereby, reduce duplications that presently exist. This change will also speed up the application process and be less confusing for clients seeking assistance.

These amendments will not generate any additional costs. Benefits will include the reduction of

administrative costs and the improvement of client service.

**Classification:** Low cost

**Status:** This initiative appeared in the 1989 Regulatory Plan as initiative number 881-VAC.

**Contact:** J.L. Cormier, Acting Director, Legislation, Corporate Services, Department of Veterans Affairs, Charlottetown, Prince Edward Island, C1A 8M9. Tel. (902) 566-7463; Fax (902) 566-8051.

## VAC-10

### Last Post Fund Program

The Last Post Fund Regulations will be amended to include a new definition of common-law spouse that will conform with the recently amended Divorce Act. A second amendment will also be made to extend the funeral and burial benefits to merchant navy veterans who, by virtue of Bill C-84 which received Royal Assent on June 18, 1992, are now recognized as veterans with equal entitlement to programs. Other minor administrative amendments will be made to the regulations to bring them into closer harmony with the Department of Veterans Affairs Act. These changes will be cost neutral. Services to merchant navy veterans are available under the departmental funeral and burial program.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number VAC-4.

**Contact:** J.L. Cormier, Acting Director, Legislation, Corporate Services, Department of Veterans Affairs, Charlottetown, Prince Edward Island, C1A 8M9. Tel. (902) 566-7463; Fax (902) 566-8051.

## Future Initiatives

### Veterans' Land Regulations

In conformity with 1992 budget announcements involving Veterans Land Administration (VLA), amendments to the Veterans' Land Act will be proposed to reflect organizational changes and the realignment of responsibilities. Should these amendments be passed by Parliament, possibly sometime in 1994, consequential amendments will also have to be made to the Veterans' Land Regulations.

It is not anticipated that these amendments will have any adverse impact on clients. Functions now performed by Veterans Land Administration will continue to be performed under the new organizational structure.

Alternatives to these amendments are not being considered as they are required to ensure

consistency between the Veterans' Land Regulations and the Veterans' Land Act.

Stakeholders, including the principal Veterans' organizations will be fully consulted during the course of preparing amendments to the Act and to the regulations.

**Contact:** J.L. Cormier, Acting Director, Legislation, Corporate Services, Department of Veterans Affairs, Charlottetown, Prince Edward Island, C1A 8M9. Tel. (902) 566-7463; Fax (902) 566-8051.

### Burial Programs

A recent review of portfolio regulations indicated the need to further review the Veterans Burial and Last Post Regulations to examine program inconsistencies. This process could result in administrative changes to one or both of these regulations.

The only alternative being considered at this time is the status quo.

The department will consult with the Last Post Fund Corporation and the principal veterans' organizations on any amendments that will be proposed as a result of the further review of these regulations.

**Contact:** J.L. Cormier, Acting Director, Legislation, Corporate Services, Department of Veterans Affairs, Charlottetown, Prince Edward Island, C1A 8M9. Tel. (902) 566-7463; Fax (902) 566-8051.

### Veterans Health Care Regulations

The Veterans Health Care Regulations are the principal source of authority for provision of health care benefits to veterans. A commitment was made in the 1993-94 Main Estimates to ensure that health care programs meet their objectives and that any overlap, duplication, and/or excesses are addressed in a client-sensitive manner. Several regulatory changes have already resulted from this commitment.

It is anticipated that continuing consultation with field staff and veterans' organizations could lead to minor regulatory changes in 1994-95 that will assist in health care programs meeting their objectives. The nature and extent of these changes, and therefore, possible alternative measures are not known at this time as consultation is ongoing.

**Contact:** J.L. Cormier, Acting Director, Legislation, Corporate Services, Department of Veterans Affairs, Charlottetown, Prince Edward Island, C1A 8M9. Tel. (902) 566-7463; Fax (902) 566-8051.



# Atomic Energy Control Board

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## General Information

### Roles and Responsibilities

The Atomic Energy Control Board (AECB) is a federal crown corporation established in 1946 by the Atomic Energy Control Act. To ensure that the use of nuclear energy in Canada does not pose undue risk to health, safety, security and the environment, the AECB regulates and licences nuclear materials and prescribed substances in co-operation with other federal and provincial departments in such areas as health, environment, transport, labour.

The AECB sets standards, imposes requirements and assesses applicants' capabilities to comply. Once a licence is issued, the AECB carries out compliance inspections to ensure adherence to licence conditions and the Atomic Energy Control Regulations. To ensure that Canada's national policies and international commitments relating to the non-proliferation of nuclear explosives are met, the AECB controls all imports and exports of nuclear materials and items, in co-operation with other federal government agencies.

The AECB is also responsible for the designation of nuclear installations for the purposes of the Nuclear Liability Act. It also prescribes basic insurance to be carried by the operators of such designated

installations. The amount of basic insurance is subject to approval by the Treasury Board.

### Legislative Mandate

The following legislation is administered by the Atomic Energy Control Board:

- Atomic Energy Control Act
- Nuclear Liability Act

## Initiatives for 1994

### AECB-1

#### Atomic Energy Control Regulations – General Amendments

These regulatory initiatives are intended to incorporate changes in the regulatory processes that have developed since 1974. These new provisions address administrative law developments concerning fairness as well as technical changes in the requirements for radiation health and safety which have been recommended by international experts. Due to changes arising from public comments, these regulations will be published again in Part I of the *Canada Gazette*.

The amendments will have some financial impact on the nuclear industry in terms of regulatory process and increased radiation protection standards and requirements. Benefits will accrue to health and safety of workers and members of the public and protection of the environment.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number AECB-1.

**Contact:** John G. McManus, Secretary General, Atomic Energy Control Board, 280 Slater Street, Ottawa, Ontario, K1P 5S9.

Tel. (613) 992-9206; Fax (613) 995-5086.

### AECB-2

#### Uranium Mines (Saskatchewan) – Occupational Health and Safety

The proposed amendment incorporates Saskatchewan occupational health and safety laws by reference or use in uranium mines in Saskatchewan.

Uranium mines are subject to the Atomic Energy Control Act and Regulations. The Canada Labour Code (the Code) also applies to uranium mines in areas not specifically provided for in the Atomic

Energy Control Regulations, as in the case of non-radiological occupational health and safety. Since 1979, the Code has contained a reference to the Saskatchewan Occupational Health and Safety Act and Mines Regulations, which has ensured that the laws in Saskatchewan which apply to conventional occupational health and safety in non-uranium mines also apply in uranium mines. Recent changes to the Code make it no longer possible to reference regulations of another jurisdiction. Therefore, amendment to the Atomic Energy Control Regulations addresses the latter requirement.

The amendment will not change the application of occupational health and safety in Saskatchewan uranium mines and therefore will have no impact on the industry. An agreement for administration of the regulations similar to one already in force in Ontario, will be negotiated between the Atomic Energy Control Board and the Saskatchewan Ministry of Human Resources, Labour and Employment.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number AECB-2.

**Contact:** John G. McManus, Secretary General, Atomic Energy Control Board, 280 Slater Street, Ottawa, Ontario, K1P 5S9.  
Tel. (613) 992-9206; Fax (613) 995-5086.

#### AECB-3

##### **Atomic Energy Control Regulations – Radioactive Material**

This initiative will put existing requirements in licence conditions (except for those that apply only to an individual licensee, such as a reference to the requested use). It will not impose any requirements that are not already in effect.

The Atomic Energy Control Regulations require that persons wishing to use or possess radioactive materials (radioactive prescribed substances) must do so in accordance with a licence issued by the Atomic Energy Control Board. About 4000 licences are in effect at the present time. The regulations specify only the general obligations of the licensee while the licence contains specific conditions. In this approach, licences will contain conditions that are particular to each licensee, such as the nature and amount of material licensed and other conditions specific to each licensee's application. Regulations will be used where conditions or requirements apply to all licensees or types of licensees (e.g., radiographers, gauge users, research, health care institutions).

The proposed amendment should have no financial impact on the nuclear industry, and there will be no

change in regulatory requirements. The increased visibility of AECB requirements should benefit applicants for a licence and result in more effective compliance. There will be consequential benefits to the health and safety of workers and members of the public and protection of the environment. The licensing administrative process should be more efficient to the benefit of both AECB and licensees.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number AECB-3.

**Contact:** John G. McManus, Secretary General, Atomic Energy Control Board, 280 Slater Street, Ottawa, Ontario, K1P 5S9.  
Tel. (613) 992-9206; Fax (613) 995-5086.

#### AECB-4

##### **Atomic Energy Control Regulations – Revisions to the Dose Limits**

This initiative will bring Canadian regulations into line with the latest recommendations of the International Commission on Radiological Protection (ICRP). Review and analysis by the Commission of recent information on the health effects of radiation have indicated that radiation dose limits should be lowered. The AECB proposes to adopt the Commission's recommendations, with few changes.

The new limits are expected to have little socio-economic effect on most of the nuclear industry, but certain specific sectors may experience difficulties in meeting the new limits, particularly underground uranium mining. Hence, there is a possibility of significant socio-economic impacts in these sectors. In order to ascertain the anticipated impacts more precisely, a Consultative Document has been sent to all licensees. Also, a questionnaire which seeks details of specific financial, technical and social impacts of the new limits has been sent to all licensees of major facilities and to a representative sample of all other licensees. The Consultative Document has also been sent to other organizations and members of the public who would be affected or have an interest in the matter.

Analysis of the information received from the Consultative Document and questionnaire has led to some modifications of the original proposals. This will lessen the socio-economic impact on the uranium mining industry and the nuclear generating industry without departing from the recommendations of the ICRP. The socio-economic impact of the dose limit for pregnant radiation workers, in order to protect the foetus, has been addressed by means of a series of public meetings set up by the AECB, to provide the opportunity for concerned parties to express their views and



contribute towards developing a suitable form of regulation. A revised proposal based on the opinions expressed at the meetings has been developed.

The benefits of the new limits on the health of workers and public will mean that risks of adverse health effects from radiation exposures will be kept to levels that are comparable to risks from other occupational and environmental factors.

**Classification:** Major

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number AECB-4.

**Contact:** John G. McManus, Secretary General, Atomic Energy Control Board, 280 Slater Street, Ottawa, Ontario, K1P 5S9.

Tel. (613) 992-9206; Fax (613) 995-5086.

#### AECB-5

##### **Transport Packaging of Radioactive Materials**

These amendments conform with changes to regulations of the International Atomic Energy Agency (IAEA). Regulations for the safe transport of radioactive materials, published by the IAEA, are the basis for similar regulations in most countries as well as those for international air and marine organizations.

As a major exporter of radioactive materials, Canada has participated in the development of IAEA Regulations since their inception in 1961 and has adopted them for use in Canada. Most recently, Canada participated in a major review and updating of the IAEA Regulations by experts from many countries. The results of this work have been published as IAEA Regulations for the Safe Transport of Radioactive Material, 1985 edition as amended. These amendments will ensure that Canadian regulations for the transportation of radioactive materials conform with the revised IAEA Regulations. The amendments will be presented as a complete revision of the Transport Packaging of Radioactive Materials Regulations in order to improve the clarity and presentation of the regulations.

The amendments will include new requirements for the shippers of radioactive materials in the areas of quality assurance, testing, labelling, identification, definitions and the classification of types of packages. These will have some financial implications for the shippers due to the increased standards; however, compliance with the requirements will permit unhindered international shipments of radioactive materials while ensuring improved protection for persons and the environment.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number AECB-5.

**Contact:** John G. McManus, Secretary General, Atomic Energy Control Board, 280 Slater Street, Ottawa, Ontario, K1P 5S9.

Tel. (613) 992-9206; Fax (613) 995-5086.

#### AECB-6

##### **Uranium Mines (Ontario) – Occupational Health and Safety**

These amendments arise from changes to referenced Ontario Regulations.

The Uranium Mines (Ontario) Occupational Health and Safety Regulations enable the application of Ontario laws respecting non-radiological health and safety in uranium mines. To ensure conformity, the legal reference in federal regulations must be amended each time a decision is made by the Province of Ontario to amend the Ontario Occupational Health and Safety Act and Regulations. To assess the impact of amended regulations the Province of Ontario carries out a process for public consultation.

**Classification:** Intermediate cost

**Status:** This is a recurring initiative.

**Contact:** John G. McManus, Secretary General, Atomic Energy Control Board, 280 Slater Street, Ottawa, Ontario, K1P 5S9.

Tel. (613) 992-9206; Fax (613) 995-5086.

#### AECB-7

##### **Cost Recovery Fees Regulations (Amendments)**

The fees levied under these regulations are intended to recover the costs incurred by the AECB in the regulation assessment and compliance inspection of licensees. The regulations resulted from government policy respecting the recovery of such costs from the regulated industry. An annual review of the actual costs of the licensing activities will result in adjustments to the fees schedule to ensure that fees reflect as closely as possible the costs associated with the various licensing activities.

**Classification:** Intermediate cost

**Status:** This is a recurring initiative.

**Contact:** John G. McManus, Secretary General, Atomic Energy Control Board, 280 Slater Street, Ottawa, Ontario, K1P 5S9.

Tel. (613) 992-9206; Fax (613) 995-5086.

# Canada Mortgage and Housing Corporation

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## General Information

### Roles and Responsibilities

Canada Mortgage and Housing Corporation (CMHC) is a federal Crown Corporation. It was established by the Central Mortgage and Housing Corporation Act in 1946 to administer federal housing legislation. The present name was adopted in 1979.

The principal role of the Corporation is the administration of the National Housing Act (NHA): residential mortgage loan insurance; guaranteeing timely payment of mortgage-backed securities; land and housing development; loans and subsidies on behalf of the government; housing and related research of all kinds; administration of loans, investments and other assets of the Corporation; technical services to other federal departments and agencies and to approved home warranty programs. Programs active in delivery or under administration include mortgage loan insurance, NHA Mortgage-Backed Securities, residential rehabilitation assistance, rent supplement, public housing, non-profit housing, urban native non-profit housing, rural and native housing, on-reserve housing, residential development of federal land, demonstration projects and support of research. Social housing programs may also be delivered by provinces or territories subject to cost-sharing arrangements.

The National Housing Loan Regulations and various Orders in Council also enable the Corporation to carry out its mandate, providing for program detail not contained in the NHA.

## Legislative Mandate

The following statutes are administered by CMHC:

- Canada Mortgage and Housing Corporation Act
- National Housing Act

## Initiatives for 1994

### CMHC-1

#### Loan Insurance and Mortgage-Backed Securities

These amendments will reflect the continual review of the effectiveness of the regulations in light of business and policy evolution. Areas to be addressed may include lenders' undertakings on loan insurance claims, fire insurance requirements for insured social housing loans, guarantee requirements, adding flexibility to the repayment of debenture loans, net worth, loan, security and loan-pool requirements for NHA Mortgage-Backed Securities issuers, as well as housekeeping matters. The amendments may simplify some procedures and support cost-effectiveness.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number CMHC-1.

**Contact:** Douglas G. Dennis, Executive Director, Insurance Directorate, Canada Mortgage and Housing Corporation, National Office, 700 Montreal Road, Ottawa, Ontario, K1A 0P7.  
Tel. (613) 748-4675; Fax (613) 748-2606.

### CMHC-2

#### Social Housing

These amendments will support policy developments in social housing programs, including those anticipated to be adopted in 1994. They may include facilitating rent supplements where directly delivered by CMHC, revising the conditions of financial assistance and improving coverage, targeting, harmonization and streamlining. The amendments should support cost-effective program delivery and administration.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number CMHC-2.

**Contact:** Douglas V. Tyler, Director, Legal Division, Canada Mortgage and Housing Corporation, National Office, 700 Montreal Road, Ottawa, Ontario, K1A 0P7.  
Tel. (613) 748-2892; Fax (613) 748-4098.



## Future Initiative

### Loan Insurance Products

CMHC conducts consultations on potential new or revised insurance products, such as home equity conversion for seniors. If these are adopted, there will be supporting changes to the regulations.

**Contact:** Jacques Beaupré, Director, Strategic Planning and Policy Development Division, Canada Mortgage and Housing Corporation, National Office, 700 Montreal Road, Ottawa, Ontario, K1A 0P7. Tel. (613) 748-2040; Fax (613) 748-2156.

# Canadian Radio-television and Telecommunications Commission

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## General Information

### Roles and Responsibilities

The Canadian Radio-television and Telecommunications Commission (CRTC), a public authority that is organizationally and legally independent of government departments, does not require ministerial approval for its regulatory initiatives. The CRTC was established by Parliament in 1968 by the Broadcasting Act to regulate and supervise all aspects of the Canadian broadcasting system. Its responsibilities were enlarged in 1976 by the CRTC Act, under which the Commission assumed responsibility for regulating telecommunications carriers within federal jurisdiction, in accordance with the Railway Act and the National Telecommunications Powers and Procedures Act.

Under the Broadcasting Act 1991, the CRTC must "regulate and supervise all aspects of the Canadian broadcasting system" with a view to implementing the policy outlined by Parliament in Subsection 3(1) of the Act, having regard to the regulatory policy set out in Subsection 5(2). The CRTC, which regulates both public and private broadcasters, has the power to issue, renew, amend, suspend or revoke licences and to set conditions of licence for the achievement of the objectives of the Act.

The 13 full-time members and six part-time members of the Commission, or the members of a panel for a public hearing, make decisions with respect to all broadcast licensing matters and

determine the Commission's broadcasting policies. The Commission prescribes classes of broadcasting licences, and makes by-laws, regulations and rules of procedure.

Regulations on broadcasting matters are issued following public consultation in accordance with subsections 10(3) and 11(5) of the Broadcasting Act. Where major changes to the broadcasting regulations are proposed, written comments are invited and an oral public hearing may be held at which interested parties present their views. Public hearings are also held in connection with the issuance, suspension or revocation of a licence, the establishment of performance objectives for the purpose of licence fees and the making of orders, in accordance with Subsection 18(1) of the Broadcasting Act. They are frequently held in connection with the renewal or amendment of a licence, pursuant to Subsection 18(2). In addition, the Commission solicits public opinion before existing policies and practices are developed or modified.

The CRTC's regulatory mandate with respect to telecommunications derives from several statutes, including the Telecommunications Act (which, effective October 25, 1993, replaces the Telecommunications-related sections of the Railway Act and the National Telecommunications Powers and Procedures Act) as well as special Acts for some of the federally-regulated carriers. Section 25 of the Telecommunications Act requires that a carrier's rates be filed for approval by the Commission; Section 27 states that all such rates shall be just and reasonable, and that a carrier shall not unjustly discriminate or give any undue preference or advantage in respect of its services or rates. The CRTC also seeks public comment on applications from federally-regulated carriers and other parties, and often holds public hearings on general rate increases or significant policy issues. The issuance, amendment or renewal of any broadcasting licence may be set aside or referred back to the Commission for reconsideration and hearing, by order of the Governor in Council. Subject to such an order or a decision of the Federal Court of Appeal, every broadcasting decision and order of the Commission is final and conclusive. Under Section 12 of the Telecommunications Act, the Governor in Council can vary, rescind or refer



back decisions made by the Commission relating to the federally-regulated telecommunications carriers.

An appeal against a broadcasting or telecommunications decision or order of the Commission may be made, with leave, to the Federal Court of Appeal upon a question of law or jurisdiction.

The activities of this Commission, such as the licensing of broadcasting undertakings or the approval of the interconnection of telecommunications carriers, are frequently in response to private-sector initiatives and cannot, therefore, be planned in advance. In some instances, notices of these activities are published in *Canada Gazette*, Part I.

## Legislative Mandate

- Canadian Radio-television and Telecommunications Act
- Broadcasting Act
- Telecommunications Act

## Initiatives for 1994

### CRTC-1

#### Cable Television

On June 5, 1991 the Commission issued CRTC Public Notice 1991-59 entitled "Community Channel Policy" which updated the existing 1975 community channel policy and set out the consequent proposed amendments to the Cable Television Regulations, 1986. The new policy will require amendments to sections 2, 13, 14 and 24 of the Regulations. The proposed amendments include removing the requirement that licensees of Class 2 systems with fewer than 2000 subscribers provide community programming on the community channel.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number CRTC-1.

**Contact:** Rosemary Chisholm, Director General, Secretariat Operations, 1 Promenade du Portage, Central Building, Hull, Quebec, K1A 0N2.  
Tel. (819) 997-4427.

### CRTC-2

#### Radio, Television, Cable, Pay and Specialty Services

The Commission will be bringing all of the above regulations into line with the changed definitions of broadcasting and broadcasting undertakings found in the new Broadcasting Act. These technical

amendments will have minimal impact on the affected industries.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number CRTC-2.

**Contact:** Rosemary Chisholm, Director General, Secretariat Operations, 1 Promenade du Portage, Central Building, Hull, Quebec, K1A 0N2.  
Tel. (819) 997-4427.

### CRTC-3

#### Specialty Services

The definition of "advertising material" has recently been amended in the television regulations so that the promotion of a Canadian program, including promotions which give credit to or features the identification of a sponsor, is not counted when determining the amount of advertising broadcast by a licensee. The Commission proposes a similar amendment to the specialty regulations which will provide more flexibility to the industry.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number CRTC-5.

**Contact:** Rosemary Chisholm, Director General, Secretariat Operations, 1 Promenade du Portage, Central Building, Hull, Quebec, K1A 0N2.  
Tel. (819) 997-4427.

### CRTC-4

#### Cable Television and Television

On June 3, 1993 the Commission issued its "Structural" decision (Public Notice CRTC 1993-74) announcing a number of intended changes to the Cable Television Regulations, 1986 and the Television Broadcasting Regulations, 1987. These changes include amendments to the mechanisms by which cable licensees may increase rates, new requirements for the addition of Canadian distant signals, the deregulation of rates for cable systems with fewer than 6,000 subscribers, the establishment of new regulations for multiplexing and repeat channels, the introduction of a requirement for cable operators to give priority to the distribution of programming services over non-programming services, the extension of the requirement for cable licensees to distribute a preponderance of Canadian programming services to Part III licensees and a provision in providing for a mediation mechanism to resolve carriage disputes between programming undertakings and distribution undertakings. In addition, the Commission also announced that it will make a number of changes to the manner in which Canadian specialty services may be distributed by cable licensees.

The Commission intends to issue a public notice calling for public comment on proposed amendments to sections 2, 7, 10, 11, 18 and 21 of the Cable Television Regulation, 1986. These amendments are intended to implement new carriage and rate increase procedures and will generally create a more streamlined regulatory regime for cable operators. The Commission will amend the Television Broadcasting Regulations, 1987 to allow by way of condition of licence more than 12 minutes per broadcast hour of advertising material.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number CRTC-6.

**Contact:** Rosemary Chisholm, Director General, Secretariat Operations, 1 Promenade du Portage, Central Building, Hull, Quebec, K1A 0N2. Tel. (819) 997-4427.

#### CRTC-5

##### **Radio, Television and Specialty Services Regulations**

The radio, television and specialty services regulations contain provisions regarding pre-clearance of advertisements for certain alcoholic beverages. The Commission expects to propose an amendment to the regulations to allow the pre-clearance process to be undertaken by the Canadian Advertising Foundation on behalf of the Commission.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Rosemary Chisholm, Director General, Secretariat Operations, 1 Promenade du Portage, Central Building, Hull, Quebec, K1A 0N2. Tel. (819) 997-4427.

#### CRTC-6

##### **Broadcast Licence Fee Regulations**

The Commission is seeking authority to amend the Broadcasting Licence Fee Regulations with respect to radio broadcasting undertakings effective with the return year ending August 31, 1993.

The specific proposal is to amend the regulations by increasing the fee revenue of radio broadcasting undertakings below which only the basic \$25 fee is paid from \$500,000 to \$2,000,000 for undertakings with revenues up to \$2,000,000. For all other radio broadcasting undertakings with revenues greater than \$2,000,000, the existing fee structure of 1.8 per cent would continue to apply.

Out of 471 commercial stations, 283 will receive an average benefit of \$12,100.

The revenue loss of up to \$3.4 million will be offset by an equivalent reduction in appropriations.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Rosemary Chisholm, Director General, Secretariat Operations, 1 Promenade du Portage, Central Building, Hull, Quebec, K1A 0N2. Tel. (819) 997-4427.

#### CRTC-7

##### **Telecommunications Rules of Procedure**

The CRTC Telecommunications Rules of Procedure set out the procedures to be followed in connection with telecommunications proceedings. Amendments will likely be proposed to bring the rules of procedure into line with the decision flowing from the Review of Regulatory Framework hearing to be held in November 1993.

The amendments are expected to have a negligible economic impact.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Rosemary Chisholm, Director General, Secretariat Operations, 1 Promenade du Portage, Central Building, Hull, Quebec, K1A 0N2. Tel. (819) 997-4427.



# Office of the Chief Electoral Officer

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## General Information

### Roles and Responsibilities

The Chief Electoral Officer is responsible for exercising general direction and supervision over the preparation and administration of federal electoral events as well as the reporting requirements relating to expenses incurred pursuant to the provisions of the Canada Elections Act and the Referendum Act. The Chief Electoral Officer is appointed by resolution of the House of Commons to which he or she is directly accountable. The officer also communicates with the Governor in Council through the member of the Queen's Privy Council for Canada designated by the Governor in Council for that purpose (currently the President of the Privy Council).

Enforcement of the provisions of the Canada Elections Act and of the Referendum Act is carried out by the Commissioner of Canada Elections under the general supervision of the Chief Electoral Officer by whom the Commissioner is appointed.

The Chief Electoral Officer also provides the necessary data and assistance to enable the electoral boundaries commissions to discharge their responsibilities under the Electoral Boundaries Readjustment Act with respect to each province's representation in the House of Commons and taxes all accounts relating to the expenditures of the Electoral Boundaries Commissions.

The Canada Elections Act and the Referendum Act contain no provisions for the making of regulations. The Chief Electoral Officer is, however, given the unusual power to adapt the Acts during the course of an electoral event. In this way, the electoral process is free from political interference and even the appearance of it.

### Legislative Mandate

The statutes under the jurisdiction of the Chief Electoral Officer are the following:

- Canada Elections Act
- Electoral Boundaries Readjustment Act
- Referendum Act
- Dominion Controverted Elections Act

### Initiative for 1994

#### CEO-1

#### Tariffs of Fees

The Canada Elections Act and the Referendum Act stipulate that upon the recommendation of the Chief Electoral Officer, the Governor in Council may make tariffs of fees, costs, allowances and expenses to be paid and allowed to Returning Officers, Special Returning Officers and other persons employed at, or in respect of, electoral events under the Canada Elections Act and the Referendum Act.

Therefore, the policy adopted is to review each year the Tariffs of Fees and propose pertinent adjustments in order to avoid having to request substantial increases close to an electoral event.

**Classification:** Intermediate cost

**Status:** This is a recurring initiative.

**Contact:** Janice Denroche, Director, Election Financing Directorate, Office of the Chief Electoral Officer, 1595 Telesat Court, Ottawa, Ontario, K1A 0M6.

Tel. (613) 993-2975; Fax (613) 991-2128.

# Copyright Board

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## General Information

### Roles and Responsibilities

The Copyright Board is an administrative tribunal that hears and decides issues pursuant to the Copyright Act with respect to the fixation of royalties payable to collectives representing the authors of works protected by the Act. The board may also issue a licence to carry out an Act protected by the law where the copyright holder of a published work cannot be located.

More specifically, the board has jurisdiction over the fixing of royalties payable to licensing bodies for the performance of musical and dramatico-musical works (sections 67 to 67.3 of the Copyright Act); the fixing of royalties payable to collecting bodies for the retransmission of distant television and radio signals (sections 70.61 to 70.67 of the Act); the fixing of royalties payable to licensing bodies for all other Acts mentioned in Subsection 3(1) of the Copyright Act where there is a disagreement between the collective and users, or when the Director of Investigation and Research, appointed under the Competition Act, considers that an agreement filed with the commission is contrary to the public interest and requests that the board examines this agreement (sections 70.1 to 70.6 of the Act); and the issuance of non-exclusive licences for any Act protected by copyright with respect to published works where the owner of the copyright cannot be located (Section 70.7 of the Act).

Also, the board may be required to conduct studies with respect to the exercise of its powers as requested by the Minister (Section 66.8 of the Act).

### Legislative Mandate

- Copyright Act

## Initiatives for 1994

### CB-1

#### Copyright Board Rules of Practice and of Procedure

This regulation defines the practices of the Copyright Board and the procedures to be followed by parties who appear before this tribunal.

Among other things, these rules will deal with the time and manner in which applications and notices must be made or given, methods of serving documents and the organization of hearings.

The regulation will allow parties appearing before the board to know in advance the rules governing hearings as well as the way in which the board operates.

**Classification:** Low cost

**Status:** This initiative appeared in the 1992 Regulatory Plan as initiative number CB-1.

**Contact:** Claude Majeau, Secretary, Copyright Board, Ottawa, Ontario, K1A 0C9.  
Tel. (613) 952-8621; Fax (613) 952-8630.

### CB-2

#### Regulation on the deadline for filing claims concerning rights arising from the retransmission of a work whose owner is not represented by a collecting body

This regulation will establish the period during which the owner of the retransmission right may present a claim, pursuant to section 70.66 of the Copyright Act, to a collecting body.

**Classification:** Low cost

**Status:** This initiative appeared in the 1991 Regulatory Plan as initiative number 673-CB.

**Contact:** Claude Majeau, Secretary, Copyright Board, Ottawa, Ontario, K1A 0C9.  
Tel. (613) 952-8621; Fax (613) 952-8630.



# Hazardous Materials Information Review Commission

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## General Information

### Roles and Responsibilities

The Workplace Hazardous Materials Information System (WHMIS) is a national system which was developed following extensive consultation between organized labour, industry and the federal, provincial and territorial governments to provide employees in the workplace with information on hazards associated with hazardous materials. Recognizing the importance of striking a balance between the rights and needs of workers to be provided with information on hazardous materials and the right of suppliers and employers to preserve the confidentiality of bona fide confidential business information, the participants agreed to the establishment of an independent adjudicative agency to determine the validity of claims for exemption from full disclosure and to provide for appeals arising from such judgments. The Commission was established by the Hazardous Materials Information Review Act, passed by the House of Commons in June 1987.

The Commission has the authority, under the Hazardous Materials Information Review Act, to make decisions on claims from suppliers or employers for limited exemption from the reporting requirements of WHMIS on the basis that disclosure would reveal confidential business information. Commission staff also determine whether material safety data sheets or labels accompanying products for which an exemption is claimed comply with the provisions of the Hazardous Products Act, Part II of

the Canada Labour Code and provincial and territorial occupational safety and health legislation. The Commission is also responsible for convening independent boards to hear appeals of its decisions by claimants or by other affected parties. Decisions on exemption claims and rulings on whether labels and material safety data sheets comply with Regulations can be appealed.

Although the Commission must protect confidential business information which it receives, it is also responsible for providing this information to physicians and registered nurses in a medical emergency, when the supplier cannot be reached. Finally, the Commission has been directed to recover its operating costs, through fees for the filing of claims and appeals.

The Commission is headed by a President, appointed by the Governor in Council and is governed by a Council of Governors consisting of members nominated by representatives of workers, suppliers, employers and members representing the governments of Canada and the provinces and territories. The functions of the Council are, among others, to make recommendations to the Minister of Industry on changes to regulatory procedures established for the review of claims for exemption and appeals and changes to the fee structure. The Commission reports to Parliament through the Minister of Industry.

### Legislative Mandate

The major statute under the jurisdiction of the Hazardous Materials Information Review Commission is the following:

- Hazardous Materials Information Review Act

## Initiatives for 1994

### HMIRC-1

#### Appeal Board Procedures Regulations

The Hazardous Materials Information Review Act Appeal Board Procedures Regulations will require minor revisions as a result of amendments already made to the Commission's fee structure (SOR 91-419). Included in the fee amendments is a 50 per cent fee reduction for appeals filed by small businesses, small unions and individual workers.

This fee adjustment has to be reflected appropriately in the Appeal Board Procedures Regulations.

In addition, other minor revisions to these Regulations will be required as a result of proposed amendments to the Hazardous Materials Information Review Act and Canada Labour Code. These changes will permit an affected party or class of affected parties to make separate application for disclosure, in confidence, of confidential business information, solely for reasons of safety and health in a workplace. This initiative will also include such other consequential amendments as are necessary to reflect the statutory changes.

The Commission's Council of Governors, representing industry, labour and federal, provincial and territorial governments, were consulted in respect of these proposed amendments.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number HMIRC-1.

**Contact:** Sharon Watts, Director of Appeals, Hazardous Materials Information Review Commission, 66 Slater Street, Suite 400, Ottawa, Ontario, K1A 0C9.

Tel. (613) 993-4472; Fax (613) 993-4686.

## HMIRC-2

### **Hazardous Materials Information Review Regulations**

Proposed amendments to the Hazardous Materials Information Review Act and the Canada Labour Code will necessitate consequential amendments to the Hazardous Materials Information Review Regulations. These revisions will be of a minor, technical nature and are required to reflect the statutory changes within these Regulations.

The Commission's Council of Governors, representing industry, labour and federal, provincial and territorial governments, were consulted and agreed to the proposed legislative changes.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number HMIRC-2.

**Contact:** Sharon Watts, Director of Appeals, Hazardous Materials Information Review Commission, 66 Slater Street, Suite 400, Ottawa, Ontario, K1A 0C9.

Tel. (613) 993-4472; Fax (613) 993-4686.

## **Future Initiative**

### **Amendments to the Hazardous Materials Information Review Act and Canada Labour Code**

The proposed amendments to the Hazardous Materials Information Review Act are technical in nature and address a number of deficiencies which require correction to ensure that the Commission's legislative base properly implements the policy agreed to by the federal and provincial governments, business and organized labour respecting the Workplace Hazardous Materials Information System (WHMIS). The amendments include the correction of inconsistencies between the two official language versions of the Act, better ensuring the protection of confidential business information, and allowing a process to apply for access to confidential business information, for reasons of health and safety in a workplace.

Amendments to the Canada Labour Code are also proposed, in order to ensure the protection of confidential business information from forced disclosure under another Act. The alternative to proceeding with these amendments is to leave several deficiencies in the Act which limit the protection of legitimate confidential business information. As well, the current form of the Act impedes the protection of the health and safety of workers where access to the confidential business information is obstructed.

Also included is an amendment directed to streamlining existing statutory requirements, relative to the publication of Notices of Decision/Order in the *Canada Gazette*. Instead of publishing these notices in their entirety, the Commission proposes that this information be provided to anyone, upon request. This change would provide information in a more cost-efficient manner, by substantially reducing publishing costs. Similar savings would be expected for appeal notices.

Industry, labour and federal, provincial and territorial governments have been consulted and they agree with the proposed amendments.

**Contact:** Sharon Watts, Director of Appeals, Hazardous Materials Information Review Commission, 66 Slater Street, Suite 400, Ottawa, Ontario, K1A 0C9.

Tel. (613) 993-4472; Fax (613) 993-4686.



# Immigration and Refugee Board

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## General Information

### Roles and Responsibilities

The Immigration and Refugee Board (IRB) is an independent agency which was created by the adoption of an Act to amend the Immigration Act, 1976 and to amend other Acts in consequence thereof S.C. 1988, c.35 (commonly referred to as C-55), which came into force on January 1, 1989. Further amendments were brought to the Immigration Act with the coming into force of S.C. 1992, c.49 (commonly referred to as C-86) on February 1, 1993. In its present form, the IRB is composed of three divisions, each with its own tribunal; these divisions are the Convention Refugee Determination Division (CRDD), the Immigration Appeal Division (IAD) and the Adjudication Division (AD).

The basic objectives of the IRB are divided among the divisions. The CRDD determines refugee claims made in Canada which have been referred from a senior immigration officer, once a positive determination on eligibility is made to the CRDD. The IAD is an appeal tribunal available to certain categories of persons who have been denied entry to, or ordered removed from, Canada or to Canadian citizens and permanent residents with relatives who have been refused landing in Canada. The AD is a tribunal with jurisdiction over immigration inquiries and detention reviews.

### Legislative Mandate

The legislative mandate for the IRB derives from Part IV of the Immigration Act. The Immigration Regulations, 1978 deal with conditions for admission and removal from Canada of non-Canadian citizens. These relate for the most part to the work of the IAD and the AD. The

Convention Refugee Determination Division Rules, the Immigration Appeal Division Rules and the Adjudication Division Rules set out the rules of practice and procedure for the three tribunals.

## Initiatives for 1994

### IRB-1

#### Convention Refugee Determination Division Rules, amendments

The Convention Refugee Determination Division Rules (CRDD Rules) were first introduced in February 1989. The coming into force of S.C. 1992, c.49, containing significant amendments to the Immigration Act, required that the CRDD Rules be revoked and new CRDD Rules be approved. New CRDD Rules were introduced in February 1993. Since February 1993, it has become clear that a regulatory initiative is necessary to address certain substantive and procedural shortcomings in the new CRDD Rules. In addition to rectifying the shortcomings, the initiative will also allow for the inclusion of new Rules which have become necessary to accommodate the changes to the Immigration Act, brought about by S.C. 1992, c.49. The initiative will benefit participants in the CRDD hearings process by further enhancing the fairness and speed of the process.

In particular, the initiative will likely result in amendment of the following CRDD Rules: designation of presiding member, applications for cessation or vacation, joinder of claims, change of venue, information respecting the claim, notice to appear, preliminary conference, disclosure, application for summons, general motions, service, and the rule regarding non-compliance with a requirement of the CRDD Rules. Re-evaluation of the time frames referred to in the above and all other CRDD Rules will also form part of the initiative. In addition, the initiative will include new rules requiring notification of the CRDD on constitutional questions, and notification of the CRDD of counsel's withdrawal from a claim.

The initiative will also serve as an opportunity to incorporate certain style changes, to rationalize terminology where necessary, and to re-organize the sequence of the Rules to make them easier to use and apply.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Gerald H. Stobo, General Counsel,  
Immigration and Refugee Board, 240 Bank Street,  
6th floor, Ottawa, Ontario, K1A 0K1.  
Tel. (613) 995-2815; Fax (613) 996-0270.

## IRB-2

### **Immigration Appeal Division Rules, amendments**

The Immigration Appeal Division Rules (IAD Rules) were first introduced in October 1990. The coming into force of S.C. 1992, c.49 containing significant amendments to the Immigration Act, required that the IAD Rules be revoked and new IAD Rules be approved. New IAD Rules were introduced in February 1993.

Since February 1993, it has become clear that a regulatory initiative is necessary to address certain substantive and procedural shortcomings in the new IAD Rules. In addition to rectifying the shortcomings, the initiative will also allow for the inclusion of new Rules which have become necessary to accommodate the changes to the Immigration Act brought about by S.C. 1992, c.49. This initiative will benefit participants in the IAD appeal process by further enhancing the fairness and speed of the process.

In particular, the initiative will likely result in the amendment of the following IAD Rules: service of notice of appeal from a removal order or conditional removal order, all of the service of record rules, service of the notice of appeal by a sponsor, joinder of appeals, change of venue, notice to appear, application for summons, general motions, service, and the rule regarding non-compliance with a requirement of the IAD Rules. Re-evaluation of the time frames referred in the above and all other IAD Rules will also form part of the initiative. In addition, the initiative will include new rules requiring notification of the IAD on constitutional questions, and notification of the IAD of counsel's withdrawal from an appeal.

The initiative will also serve as an opportunity to incorporate certain style changes, to rationalize terminology where necessary, and to re-organize the sequence of the Rules to make them easier to use and apply.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Gerald H. Stobo, General Counsel,  
Immigration and Refugee Board, 240 Bank Street,  
6th floor, Ottawa, Ontario, K1A 0K1.  
Tel. (613) 995-2815; Fax (613) 996-0270.

## IRB-3

### **Adjudication Division Rules, amendments**

The Adjudication Division Rules (or Adjudication Rules) were introduced in February 1993 as a result of the coming into force of S.C. 1992, c.49, which contained significant amendments to the Immigration Act. The Adjudication Rules replace and supplement relevant provisions of the Immigration Regulations, 1978, regarding the practice and procedure relating to inquiries and hearings held before an immigration adjudicator.

Since February 1993, it has become clear that a regulatory initiative is necessary to address certain substantive and procedural shortcomings in the Adjudication Rules. In addition to rectifying the shortcomings, the initiative will also allow for the inclusion of new Rules which have become necessary to accommodate the changes to the Immigration Act, brought about by S.C. 1992, c.49. This initiative will benefit participants in the adjudication inquiries and hearings process, by further enhancing the fairness and speed of the process.

In particular, the initiative will likely result in the amendment of the following Adjudication Rules: joinder of inquiries, change of venue, notice to appear, application for summons, general motions, service, and the rule regarding non-compliance with a requirement of the Adjudication Rules.

Re-evaluation of the time frames referred to in the above Rules and all other Adjudication Rules will also form part of the initiative. In addition, the initiative will include new rules requiring notification of the Adjudication Division on constitutional questions, and notification of the Adjudication Division of counsel's withdrawal from an inquiry or hearing.

The initiative will also serve as an opportunity to incorporate certain style changes, to rationalize terminology where necessary, and to re-organize the sequence of the Rules to make them easier to use and apply.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Gerald H. Stobo, General Counsel,  
Immigration and Refugee Board, 240 Bank Street,  
6th floor, Ottawa, Ontario, K1A 0K1.  
Tel. (613) 995-2815; Fax (613) 996-0270.



# National Energy Board

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## General Information

### Roles and Responsibilities

The National Energy Board ("the Board") was established in 1959 under the National Energy Board Act ("the NEB Act") to advise the government on broad energy matters and to regulate specific matters concerning oil, gas and electricity in the public interest. The Board reports to Parliament through the Minister of Natural Resources.

In its role as a quasi-judicial tribunal, the Board has the power to hold inquiries into any aspect of energy matters under its jurisdiction and issues reports for the use and information of government, Parliament and the general public.

The Board regulates the tolls and tariffs of pipeline companies under federal jurisdiction to ensure that tolls are just and reasonable and that there is no unjust discrimination. This involves consideration of the capital structure of a pipeline company and its operating costs as well as the necessity for an adequate return on investment so that capital can be attracted to maintain and to extend service. The Board audits the accounts of pipeline companies and monitors their financial performance.

The Board issues long-term licences for the export of oil, gas and electricity, normally following public hearings. In issuing licences for the export of oil and

gas, the Board must be satisfied that the quantities of energy to be exported are surplus to reasonably foreseeable Canadian requirements. In the case of electricity, the Board authorizes exports through the issuance of permits, without public hearings, upon applications by exporters unless the licensing procedure is ordered by the Governor in Council on the recommendation of the Board. The Board also issues orders for the short-term export and import of natural gas and the export of oil, subject to the restrictions imposed in the National Energy Board Part VI Regulations.

Certificates are granted by the Board to construct and operate interprovincial and international oil, gas and petroleum products pipelines. Before a certificate is issued, the Board must hold a public hearing to determine whether the proposed facilities are required by the present and future public convenience and necessity. Minor projects, such as pipelines less than 40 kilometres in length, may be dealt with by the Board without the necessity of a public hearing. In such cases, an order is issued which does not require approval by Governor in Council. Persons whose lands may be affected by the route of a pipeline approved by the Board can present their views at a subsequent local public hearing held by the Board. Their evidence is considered in the determination of the final detailed route of the utility. The construction and operation of international power lines are authorized by permits issued by the Board without public hearings. The Governor in Council may, however, on the recommendation of the Board, order that an application be subject to a certificate proceeding requiring a public hearing.

The Board's Onshore Pipeline Regulations and other related regulations provide for the safe design, construction and operation of pipelines under the Board's jurisdiction. To ensure high standards of pipeline construction and operation, the Board inspects and investigates pipeline system performance. The Board also considers the environmental implications of any proposal to build and operate an oil or gas pipeline or international power line. These assessments are made generally through public hearings and as well as an audit of the company's inspection of construction and operation.

The Board is a Court of Record with specific exceptions relating to the confidentiality of competitive pricing information. The Board's deliberations are conducted on the basis of publicly

filed, publicly available information. For major applications and inquiries, the Board holds public hearings at which an applicant and interested persons have full rights of participation in the official language of their choice. To give parties an opportunity to discuss their concerns or questions, advance notice of the hearings is provided which allows time for parties to respond to requests for information. In addition, quarterly regulatory agendas on matters coming before the Board are issued, as well as information bulletins on a variety of matters pertaining to Board activities.

When the Board is prepared to grant a certificate for a pipeline or power line or to issue a licence for the export of natural gas, electricity or oil, it reports to the Governor in Council through the Minister of Natural Resources. If the certificate or licence is approved by the Governor in Council, it is then issued by the Board. The decision of the Board to refuse an application is not subject to referral to the Governor in Council. The Board's decisions on applications are issued as public documents. The Board's decisions on tolls and tariffs, on the issuance of permits for electricity exports and international power lines, of orders for the short-term export of oil and natural gas, and of orders for the construction of pipelines, are made without reference to the Governor in Council, as are the majority of the Board's day-to-day decisions. In April 1991, the regulatory responsibilities of the Canada Oil and Gas Lands Administration ("COGLA") for oil and gas exploration and development were transferred to the Board. Until legislative amendments are passed, decision-making powers will continue to be exercised by the Minister of Natural Resources and the Minister of Indian Affairs and Northern Development via the Canada Oil and Gas Operations Act and the Canada Petroleum Resources Act pursuant to technical advice and assistance given by the Board and its staff. The Board's new responsibilities for oil and gas operations on a portion of Canada's frontier lands encompass the regulation of exploration for oil and gas, and the development and production of oil and gas resources in a manner that promotes worker safety, protects the environment and conserves hydrocarbon resources.

For the Board to assume decision-making authority in the frontier lands not otherwise controlled by joint Boards, legislation which presently governs the regulation of oil and gas activities – the Canada Oil and Gas Operations Act, the Canada Petroleum Resources Act and the National Energy Board Act – needs to be amended. Bill C-135 entitled "An Act to Amend the Canada Oil and Gas Operations Act, the

Canada Petroleum Resources Act, the National Energy Board Act and Other Acts in Consequence Thereof" was introduced in the House of Commons on June 9, 1993 for first reading. Should Bill C-135 not receive royal assent by the fall of 1993, it would most likely be enacted in the spring of 1994.

In addition to the responsibilities under these three acts, the Board has specific responsibilities under the Northern Pipeline Act and the Energy Administration Act. As well, Board inspectors have been appointed safety officers to administer Part II of the Canada Labour Code.

## Legislative Mandate

- National Energy Board Act
- Energy Administration Act
- Northern Pipeline Act

## Initiatives for 1994

### NEB-1

#### Cost Recovery Regulations

These regulations, permitting the National Energy Board to recover the costs of regulation directly from regulated companies will be amended to provide some minor adjustments in the method of recovering the costs.

Since 1991, 85 per cent of the total costs of operating the Board have been recovered from regulated companies rather than being met out of general government revenues (costs incurred in the regulation of frontier lands are not being so recovered).

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number NEB-1.

**Contact:** Christina Tam, Chief, Financial Planning, Finance and Administration, National Energy Board, 311 Sixth Avenue S.W., Calgary, Alberta, T2P 3H2. Tel. (403) 299-3918; Fax (403) 292-5503.

### NEB-2

#### Rules of Practice and Procedure

The rules provide guidance to applicants and parties in such matters as the procedure of applications before the Board and the conduct of hearings. The rules also provide for efficiency and consistency by the Board.

The Board issued a revised draft of the Rules of Practice and Procedure for comment in January 1993. Further revisions were made taking the comments into account and the rules were submitted to PCO-J for approval.



The rules codify current practice before the Board and thus will cause no additional cost on industry, the public or government. Updating the rules will benefit persons participating in the Board process by providing an outline of the rules which must be followed.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Margery Fowke, Legal Counsel, National Energy Board, 311 Sixth Avenue S.W., Calgary, Alberta, T2P 3H2.

Tel. (403) 299-2708; Fax (403) 292-5503.

### NEB-3

#### Onshore Pipeline Regulations

These regulations specify the requirements for the protection of property and the environment and the safety of the public and the company's employees in the design, construction, operation and abandonment of an onshore pipeline.

The regulations will be revised, in part, to reflect recommendations made by the Board in a report from an investigation into a fatal accident which took place in 1985.

These amendments, which are the product of lengthy consultations between the Board and industry, will pertain to the improved maintenance and operation of onshore oil and gas pipelines under the Board's jurisdiction. For example, improvements in welding techniques, control systems and safety training programs will be covered.

Also included in the forthcoming revisions will be changes to improve certain portions of the regulations based on the Board's experience since the Onshore Pipeline Regulations were introduced. These changes will be the subject of the full public review and commenting process.

A separate study will be initiated in 1994 to review the regulations with regard to the safety and environmental protection requirements for the design, construction, operation and abandonment of gas plants under the Board's jurisdiction. The Onshore Pipeline Regulations may be modified in future years to reflect the findings of this study.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number NEB-2.

**Contact:** J. Scott Richardson, Secretary, National Energy Board, 311 Sixth Avenue S.W., Calgary, Alberta, T2P 3H2.

Tel. (403) 299-2711; Fax (403) 292-5503.

### NEB-4

#### Regulations Pertaining to Crossings Involving International Power Lines

Prior to the time Bill C-23 (an Act to Amend the NEB Act) came into effect in 1990, draft regulations in respect of crossings involving international power lines had been finalized. These regulations are now being reviewed to ensure consistency with the NEB Act. The proposal contains of two sets of regulations.

The International Power Line Crossings, Construction, Operation and Abandonment Regulations deal with crossings by international power lines of facilities and set out the terms and conditions under which "leave of the Board" to cross such facilities is not required. The regulations also deal with the companies' responsibilities to maintain crossing records, to restore abandoned rights-of-way at crossings, and to report incidents. The International Power Line Crossing Regulations address the crossing of international power lines by facilities and set out the terms and conditions under which "leave of the Board" to cross such power lines is not necessary.

It is planned to seek comments on these regulations from interested parties in the fall of 1993.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number NEB-7.

**Contact:** J. Scott Richardson, Secretary, National Energy Board, 311 Sixth Avenue S. W., Calgary, Alberta, T2P 3H2.

Tel. (403) 299-2711; Fax (403) 292-5503.

### NEB-5

#### Electricity Regulations

Pursuant to the passage of Bill C-23 (an Act to Amend the NEB Act) which came into effect on June 1, 1990, draft regulations were issued in a 1990 Memorandum of Guidance to implement the new electricity policy.

Among other things, the draft regulations set out information requirements for applications in respect of electricity exports and international power line facilities, terms and conditions of export and facilities permits, and the matters which the Board may consider in deciding whether to recommend a public hearing process. The draft regulations replace, in part, existing NEB Part VI Regulations and the draft Rules of Practice and Procedure, streamline the Board's operations, and reduce the level of regulation in keeping with the government's more market-based approach to energy policy.

Based on the Board's experience in processing applications since the draft regulations were issued,

and following the judgement of the Federal Court of Appeal in the case of the Attorney General of Quebec v. National Energy Board dated July 9, 1991, the draft regulations are currently under revision. Comments on these revised draft regulations will be sought from interested parties in the fall of 1993.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number NEB-6.

**Contact:** J. Scott Richardson, Secretary, National Energy Board, 311 Sixth Avenue S.W., Calgary, Alberta, T2P 3H2.

Tel. (403) 299-2711; Fax (403) 292-5503.

## NEB-6

### **Toll Information Regulations**

The Toll Information Regulations were published on April 9, 1979 to explain the requirements respecting information to be provided by pipeline companies that charge tolls. Quarterly surveillance reports under the regulations enable the Board to monitor the financial and operational performance of the major Group I pipeline companies under its jurisdiction.

The regulations will be reviewed, in consultation with interested parties, as one of the initiatives stemming from the Board's 1993 Incentive Regulation Workshop. The purpose of the review is to determine whether the information provided in the quarterly surveillance reports could be streamlined and made more useful.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** J. Scott Richardson, Secretary, National Energy Board, 311 Sixth Avenue S.W., Calgary, Alberta, T2P 3H2.

Tel. (403) 299-2711; Fax (403) 292-5503.

## NEB-7

### **Pipeline Crossing Regulations, Parts I and II**

These regulations, which came into effect in October 1988, establish the conditions under which excavation and construction activities affecting pipelines can be safely conducted by third parties. In June 1990, Section 112 of the NEB Act, which deals with third party crossings, was amended to broaden the scope of Board jurisdiction to include all excavation activity within 30 metres of the pipeline right-of-way. In May 1993, the regulations were amended to make some administrative and editorial revisions resulting from review by the Standing Joint Committee for the Scrutiny of Regulations (SOR/93-239).

In 1994, a complete review of the Crossing Regulations is planned to take into account the operating experience since these regulations were first promulgated. During this review, consultation with municipalities, utilities, excavators, pipeline companies and other interested parties will be done. The goal of the review is to harmonize the regulations with provincial regulations and remove any existing ambiguity.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number NEB-3.

**Contact:** J. Scott Richardson, Secretary, National Energy Board, 311 Sixth Avenue S.W., Calgary, Alberta, T2P 3H2.

Tel. (403) 299-2711; Fax (403) 292-5503.

## NEB-8

### **Part VI Regulations**

The NEB Part VI Regulations will be amended to reflect recent changes to export regulation, to improve the language of the regulations and to address concerns expressed in recent years by the Standing Joint Committee for Scrutiny of Regulations.

Comments were sought from industry in the fall of 1990 following briefing sessions with Board staff. In April 1993, the regulations were submitted to PCO-J for approval.

The amendments should provide interested parties with a clearer definition of the regulations at no additional cost to industry or government.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number NEB-5.

**Contact:** J. Scott Richardson, Secretary, National Energy Board, 311 Sixth Avenue S.W., Calgary, Alberta, T2P 3H2.

Tel. (403) 299-2711; Fax (403) 292-5503.

## NEB-9

### **Export and Import Reporting Regulations**

These proposed regulations would require persons exporting oil, gas and power or importing gas to provide information to the Board concerning the export or import.

The information is similar to that currently required by the Part VI Regulations. However, at the suggestion of the Standing Joint Committee for Scrutiny of Regulations, the Board decided to remove the reporting requirement from the Part VI Regulations and make new regulations under Subsection 129(1) of the NEB Act to provide for reporting requirements. This segregation of the reporting requirements should benefit interested



parties by providing a clearer definition of the regulations.

In April 1993, these regulations were submitted to PCO-J for approval. The Export and Import Reporting Regulations will be made concurrently with the proposed amendments to the Part VI Regulations.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number NEB-4.

**Contact:** J. Scott Richardson, Secretary, National Energy Board, 311 Sixth Avenue S.W., Calgary, Alberta, T2P 3H2.

Tel. (403) 299-2711; Fax (403) 292-5503.

## Future Initiative

### Offshore Pipeline Regulations

These regulations specify the requirements for the protection of property and of the environment, and for the safety of the public and the company's employees in the design, construction, operation and abandonment of an offshore pipeline.

In November 1988, the Board issued the second draft of these regulations for comment, and this draft is currently on hold pending the completion of the integration of frontier activities into the Board and of the consequential amendments to the frontier regulations. These amendments will require further review of, and amendment to, the Offshore Pipeline Regulations.

**Contact:** J. Scott Richardson, Secretary, National Energy Board, 311 Sixth Avenue S.W., Calgary, Alberta, T2P 3H2.

Tel. (403) 299-2711; Fax (403) 292-5503.

# National Transportation Agency

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## General Information

### Roles and Responsibilities

The National Transportation Agency was created pursuant to the National Transportation Act, 1987 (NTA, 1987) and replaced the Canadian Transport Commission as the federal body responsible for the economic regulation of transportation activities coming under the jurisdiction of Parliament. The Agency has all the powers, rights and privileges of a superior court with respect to matters within its jurisdiction; it may make regulations with the approval of the Governor in Council and issue decisions and orders regarding these matters. The Agency's decisions are subject to review by the Agency, to appeal to the Federal Court on questions of law, and to petition to the Governor in Council. The Agency is guided by the National Transportation Policy set out in section 3 of the NTA, 1987: "...a safe, economic, efficient and adequate network of viable and effective transportation services accessible to persons with disabilities and making the best use of all available modes of transportation at the lowest total cost is essential...". It may also be guided by binding policy directions issued by the Governor in Council. The Agency exercises its powers through a board and is organized into four program branches: Transportation Subsidies, Market Entry and Analysis, Dispute Resolution, and Secretariat and Regional Operations, and has two support branches.

### Legislative Mandate

The Agency performs all the functions vested in it by the following Acts:

- Access to Information Act
- Atlantic Region Freight Assistance Act
- Canada Shipping Act
- Canadian National Railway Act
- Energy Supplies Emergency Act
- Government Railways Act
- Maritime Freight Rates Act
- Motor Vehicle Transport Act, 1987
- National Energy Board Act
- National Transportation Act, 1987
- Pilotage Act
- Privacy Act
- Railway Act
- Railway Relocation and Crossing Act
- Railway Safety Act
- St. Lawrence Seaway Authority Act
- Shipping Conferences Exemption Act, 1987
- Western Grain Transportation Act

## Initiatives for 1994

### Air and Accessible Transportation Branch

#### NTA-1

#### Air Transportation – Insurance Provisions

The insurance provisions in the Air Transportation Regulations were carried over from the Air Carrier Regulations and were last amended in 1983. At that time, the former regulatory body gave an undertaking to air carriers and insurance brokers/underwriters that these specific regulations would be reviewed in three years. Because of fundamental changes in recent years to the economic regulation of air transport, this review could not be conducted by the former regulatory body. The insurance provisions are now being reviewed to ensure that users of air transportation and third parties remain sufficiently and adequately insured against aircraft mishaps.

It is anticipated that this review will result in some amendments being made to ensure that those affected by aircraft accidents will receive just and reasonable compensation. A consultative letter was sent to selected air carriers, government departments and agencies, insurance underwriters and air carrier associations on July 15, 1992. Additional consultations were conducted during the year and it is anticipated that final consultation prior to prepublication will take place during the fall of 1993.

Since the majority of larger air carriers operating to and from Canada already carry liability insurance coverage in excess of the required minima, the costs associated with any proposed change are considered to be insignificant. There will, however, be additional costs associated with this initiative for some of the smaller air carriers licensed in Canada. Notwithstanding additional costs, the benefits associated with any changes proposed which would result in added consumer protection in the event of a serious accident are considered to outweigh the costs.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number NTA-3.

**Contact:** Jo Pasternak, Senior Analyst, Economic Evaluation and Mergers Section, Air and Accessible Transportation Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9.  
Tel. (819) 953-8953; Fax (819) 953-5562.

## NTA-2

**Air Transportation Regulations – Housekeeping Changes**

These regulations will be amended to make the French and English versions consistent in meaning. The amendments will clarify the wording and avoid confusion for users. In June 1992 the decision was taken to incorporate part of these amendments in the Omnibus Regulations which were published in Part II of *Canada Gazette* June 2, 1993.

There is no monetary cost or benefit to this initiative.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number NTA-5.

**Contact:** Jo Pasternak, Senior Analyst, Economic Evaluation and Mergers Section, Air and Accessible Transportation Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9.

Tel. (819) 953-8953; Fax (819) 953-5562.

## NTA-3

**Air Transportation – Addition of New Regulations Pertaining to Canada-U.S. Charter Services**

In April 1992, the Minister of Transport requested that the National Transportation Agency review those provisions of the Air Transportation Regulations that are applied to Canada-U.S. transborder passenger and all-cargo charter air services. This request was made in the context of negotiations to liberalize substantially the Canada-U.S. air transport agreement. Consistent with the Minister's request, the new regulations will minimize the regulatory burden placed on air carriers operating transborder charter services and allow scheduled and charter services to operate under more similar and competitive conditions.

These changes will benefit air carriers operating transborder charter services, charterers of these services and public users by expanding the transportation options available. The impact of an expansion of transborder charter service opportunities on transborder scheduled services is not anticipated to be substantial.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number NTA-6.

**Contact:** Catherine MacDonald, Senior Advisor, International Operations Directorate, Air and Accessible Transportation Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9.

Tel. (819) 997-1237; Fax (819) 953-5562.

## NTA-4

**Air Fares for Attendants of Persons with Disabilities in Large Aircraft**

In the absence of a tariff filing requirement for domestic air carriage, carriers offering air services within Canada are at liberty to alter or eliminate any portion of their policies regarding the carriage of persons with disabilities without the immediate knowledge of the Agency. To regulate accessibility to domestic air transportation with regards to air fares for attendants of passengers with disabilities, the Agency proposes to promulgate new regulations on the subject.

These regulations should improve access for persons with disabilities to the domestic air transportation system and will ensure that the same service is offered by all air carriers operating aircraft of 30 seats or more. The regulations would not place an undue financial burden on the airline industry. The estimated annual cost to the airline industry, in terms of revenue loss, would be in the order of \$1,100,000 (high estimate) or \$500,000 (low estimate) in 1991 Canadian dollars, or less than a fraction of one percent of total domestic passenger revenues.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number NTA-8.

**Contact:** Joan Crossman, Director, Accessible Transportation Directorate, Air and Accessible Transportation Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9.

Tel. (819) 997-6828; Fax (819) 953-6019.

## NTA-5

**Terms and Conditions of Carriage of Persons with Disabilities in Small Aircraft**

In the absence of a tariff filing requirement for domestic air carriage, carriers offering air services within Canada are at liberty to alter or eliminate any portion of their policies regarding the carriage of persons with disabilities without the immediate knowledge of the Agency. To ensure the maintenance of certain rights acquired by persons with disabilities under the previous regulatory regime and to regulate accessibility to domestic air transportation with regards to the terms and conditions of carriage, the Agency proposes to promulgate new regulations on the subject.

The regulations, while contributing to the accessibility of domestic air transportation, will have a medium impact on most carriers as the proposals generally reflect present conditions.

**Classification:** Intermediate cost



**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number NTA-10.

**Contact:** Joan Crossman, Director, Accessible Transportation Directorate, Air and Accessible Transportation Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9.  
Tel. (819) 997-6828; Fax (819) 953-6019.

#### NTA-6

##### **Accessibility Standards – Persons with Disabilities – Transportation Equipment**

An amendment to the National Transportation Act, 1987, in July 1988, empowered the Agency to prescribe, administer and enforce accessibility standards for all modes of transportation under federal jurisdiction. The Agency proposes new regulations prescribing accessibility standards for equipment used in air, rail and marine transportation. This initiative will ensure a consistent provision of equipment which is necessary for persons with disabilities to be able to access the transportation system.

The regulations will ensure a high level of accessibility for persons with disabilities on equipment used on domestic transportation services. The regulations will not place an undue financial burden on the industry. Most accessibility features should not represent a significant financial outlay and many of the major requirements may only apply to new equipment or to equipment undergoing a major retrofit.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number NTA-12.

**Contact:** Joan Crossman, Director, Accessible Transportation Directorate, Air and Accessible Transportation Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9.  
Tel. (819) 997-6828; Fax (819) 953-6019.

#### NTA-7

##### **Accessibility Standards – Persons with Disabilities – Training of Transportation Personnel**

An amendment to the National Transportation Act, 1987, in July 1988, empowered the Agency to prescribe, administer and enforce accessibility standards for all modes of transportation under federal jurisdiction. The Agency proposes new regulations prescribing training standards by transportation personnel for the assistance of persons with disabilities.

The new regulations will ensure that common training standards are applied to personnel in the air, rail and marine modes under federal jurisdiction.

While there will be an economic impact on government and industry service providers, the Agency will try to minimize this burden, while ensuring the highest level of accessibility to transportation services.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number NTA-13.

**Contact:** Joan Crossman, Director, Accessible Transportation Directorate, Air & Accessible Transportation Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9.  
Tel. (819) 997-6828; Fax (819) 953-6019.

#### NTA-8

##### **Terms and Conditions of Carriage by Rail of Persons with Disabilities**

Carriers offering rail services within Canada are at liberty to alter or eliminate any portion of their policies regarding the carriage of persons with disabilities. To ensure uniformity of terms and conditions of carriage of persons with disabilities across Canada, the Agency proposes to promulgate new regulations on the subject.

While contributing to the accessibility of services to persons with disabilities, the regulations will have a minimum impact on most carriers as the proposals generally reflect present conditions.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number NTA-39.

**Contact:** Joan Crossman, Director, Accessible Transportation Directorate, Air and Accessible Transportation Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9.  
Tel. (819) 997-6828; Fax (819) 953-6019.

#### NTA-9

##### **Terms and Conditions of Carriage of Persons with Disabilities by Marine Services Subject to Federal Jurisdiction**

Carriers offering marine services subject to federal jurisdiction are at liberty to alter or eliminate any portion of their policies regarding the carriage of persons with disabilities. To ensure uniformity of terms and conditions of carriage of persons with disabilities across Canada, the Agency proposes to promulgate new regulations on the subject.

The regulations, while contributing to the accessibility of services to persons with disabilities, will have a minimum impact on most carriers as the proposals generally reflect present conditions.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number NTA-40.

**Contact:** Joan Crossman, Director, Accessible Transportation Directorate, Air and Accessible Transportation Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9.  
Tel. (819) 997-6828; Fax (819) 953-6019.

#### NTA-10

##### **Air Transportation – International Charters, Resaleable Domestic Charters, Tariffs and Service Schedules**

The Budget Papers tabled in the House of Commons by the Minister of Finance on February 25, 1992 announced the government's review of existing regulations to ensure that the use of the government's regulatory powers results in the greatest prosperity for Canadians. As part of this review the National Transportation Agency is examining charter, tariff and service schedule provisions in the Air Transportation Regulations.

The Agency intends to streamline the Air Transportation Regulations (Parts III and VI) with a view to reducing the regulatory burden.

Should regulatory changes emanate from the review, an examination of benefits and costs will depend on the specific proposals developed.

**Classification:** Intermediate cost

**Status:** This is a new initiative.

**Contact:** Rosemary Baldwin, Acting Senior Advisor, or Gregg Danylchenko, Chief, International Air Tariffs, International Operations Directorate, Air and Accessible Transportation Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9.  
R. Baldwin,  
Tel. (819) 953-9795; Fax (819) 953-5562;  
G. Danylchenko,  
Tel. (819) 997-6419; Fax (819) 953-5686.

##### **Marine, Trucking and Regional Operations Branch**

#### NTA-11

##### **Northern Marine Resupply Services – Reporting Requirements**

The Northern Marine Resupply Services Regulations prescribe information that licensees are to file with the Agency on an annual or otherwise basis to enable the Agency to determine whether resupply rates contained in tariffs filed by licensees are just and reasonable. The Agency intends to modify these regulations to lessen the regulatory burden placed on licensees.

The proposed modifications will benefit licensees through simplified reporting and a reduction in resources devoted to filing information with the

Agency. There are no anticipated costs for licensees or users of their services.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Danielle Pilon, Chief, Marine and Trucking, Complaints and Investigations, Marine, Trucking and Regional Operations Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9.  
Tel. (819) 997-6559; Fax (819) 953-5686.

##### **Rail Branch**

#### NTA-12

##### **Railway Advance Payment – Amendments To Reflect Current Legislation**

The Railway Advance Payment Regulations provide for advance payments to a railway company for the operation of any uneconomic line of railway or segment, any branch line or segment thereof and any uneconomic service pursuant to 256, 258 and 261 of the Railway Act.

These legislative references are no longer correct. Sections 256 and 258 applied to uneconomic branch lines. The legislative reference is now section 178 of the National Transportation Act, 1987. Section 261, which refers to uneconomic passenger service, is now section 270 of the Railway Act.

As well, these regulations provided for advance payments for the movement of grain and flour to eastern ports and refer to section 272 of the Railway Act. This program has ended and the Railway Act was amended to repeal this section effective April 1, 1990.

The administration of these regulations was the responsibility of the Canadian Transport Commission which is now known as the National Transportation Agency.

The amendments to the Railway Advance Payment Regulations will reflect the above changes.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Frank Urban, Manager, Costing Determinations and Subsidies, Rail Rationalization Directorate, Rail Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9.  
Tel. (819) 953-9918; Fax (819) 953-5564.

#### NTA-13

##### **Railway Costing Regulations**

The Agency proposes to amend the Railway Costing Regulations to conform with current legislation (National Transportation Act, 1987) and references to sections in the Railway Act. The Railway Costing



Regulations will also be amended to include current costing practices and document filing requirements.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number NTA-43.

**Contact:** Neil Thurston, Director, Costing, Rates and Payments, Rail Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9.

Tel. (819) 997-4914; Fax (819) 953-5564.

#### NTA-14

##### **Annual Rate Scale Order for Western Grain, 1994-95**

An order will be issued that prescribes the annual rate scale for the movement of western grain by rail, for the crop year 1994-95, and the percentage to be borne by the Government of Canada and by the grain shippers.

The estimated eligible costs for the movement of western grain, by rail, for the crop year 1994-95 are forecast to be about \$1.1 billion. Approximately 98 percent of the estimated eligible costs are recovered by the railway companies through the application of the annual rate scale. The government's portion of payments through application of the 1994-95 rate scale, known as the Government Commitment, is estimated to be approximately \$600 million. The shippers' portion of the payments is estimated to be about \$500 million.

**Classification:** Major

**Status:** This is a recurring initiative.

**Contact:** Neil Thurston, Director, Costing, Rates and Payments Directorate, Rail Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9. Tel. (819) 997-4914; Fax (819) 953-5564.

#### NTA-15

##### **Railway Interswitching Rate Scale (1995): Rate adjustment**

The National Transportation Act, 1987, requires railway companies to perform interswitching, that is, to transfer the traffic of a shipper to the lines of a railway company other than the one serving him, whenever this shipper is located within 30 km of a connection or interchange with the second railway. This regulatory initiative is intended to establish the maximum charge a railway may impose for performing interswitching during the 1995 calendar year.

The amended rates will ensure that railways performing interswitching in 1995 are compensated for the costs of providing the service and that shippers will have access to the services of a second railway at a price which in most cases will

not impede the transfer of traffic from one railway company to another.

**Classification:** Intermediate cost

**Status:** This is a recurring initiative.

**Contact:** Guy Proulx, Director, Rail Complaints, Tariffs and Mediation, Rail Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9. Tel. (819) 997-6270; Fax (819) 953-5686.

#### NTA-16

##### **Reduction of Passenger Train Service Regulations: Revocation**

This initiative will result in the revocation of these regulations, which prescribe that railways under the jurisdiction of the Agency must post notice at all ticket offices and train stations at least 20 days prior to any reduction to passenger train services.

The Agency will rescind this statutory instrument because it conflicts with a similar regulation prescribing that VIA give notice 30 days prior to any change in passenger train services.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Guy Proulx, Director, Rail Complaints, Tariffs and Mediation, Rail Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9. Tel. (819) 997-6270; Fax (819) 953-5686.

#### NTA-17

##### **Baggage Car Traffic Regulations: Amendment**

The Baggage Car Traffic Regulations govern the terms and conditions for the handling of baggage belonging to rail passenger ticket holders and address liability considerations. An amendment to these regulations will be proposed in order to remove all references to terms and conditions of carriage.

This amendment is required to render the Baggage Car Traffic Regulations consistent with the contemporary legislation and the current mandate of the Agency.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number NTA-31

**Contact:** Guy Proulx, Director, Rail Complaints, Tariffs and Mediation, Rail Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9. Tel. (819) 997-6270; Fax (819) 953-5686.

#### NTA-18

##### **Water Carrier Free and Reduced Rate Transportation Regulations: Revocation**

The revocation of these regulations, which enumerate a number of groups or categories of

individuals to whom free or reduced transportation may be offered, will be proposed. This statutory instrument also prescribes the terms and conditions pertaining to the issuance of passes or reduced rates certificates and the filing of returns with the Agency.

This initiative is required since the regulation of water passenger services is not within the current mandate of the Agency.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Guy Proulx, Director, Rail Complaints, Tariffs and Mediation, Rail Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9. Tel. (819) 997-6270; Fax (819) 953-5686.

#### NTA-19

##### **Conditions on Passes Approval Order: Revocation**

The revocation of this Order, which enumerates and approves a number of terms, conditions and liability considerations respecting the issuance of passenger transportation passes by seventeen railway companies, seven international bridge and tunnel corporations and one water carrier, will be proposed.

This Order is unnecessary in the Canadian contemporary transportation framework where government regulations are streamlined to reflect a greater reliance in the ability of carriers and other economic agents to issue and adjust tariffs suited to a competitive environment. The Agency believes that it is no longer relevant to regulate the issuance and recording of free transportation passes.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Guy Proulx, Director, Rail Complaints, Tariffs and Mediation, Rail Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9. Tel. (819) 997-6270; Fax (819) 953-5686.

#### NTA-20

##### **Water Carriers Freight Tariff Order: Revocation**

The revocation of this Order, which prescribes the regulations contained in the Regulations Governing the Construction and Filing of Freight Tariffs by Railway Companies and Water Carriers, will be proposed.

This initiative is required since some matters addressed by this statutory instrument are no longer within the mandate of the Agency.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Guy Proulx, Director, Rail Complaints, Tariffs and Mediation, Rail Branch, National

Transportation Agency, Ottawa, Ontario, K1A 0N9. Tel. (819) 997-6270; Fax (819) 953-5686.

#### NTA-21

##### **Railway Passenger Tariff Regulations: Amendment**

The Railway Passenger Tariff Regulations, contained in Tariff Circular 2, govern the format under which railway passenger tariffs must be filed with the Agency as well as the procedure to be followed in that respect by the carriers issuing such tariffs.

These regulations also prescribe several classes of tariffs, in compliance with the Railway Act, each being applicable to a specific category of passenger traffic.

An amendment to streamline these regulations will be proposed.

**Classification:** Low cost

**Status:** This is a new initiative.

**Contact:** Guy Proulx, Director, Rail Complaints, Tariffs and Mediation, Rail Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9. Tel. (819) 997-6270; Fax (819) 953-5686.

#### NTA-22

##### **Railway Additional Tolls Regulations**

The regulatory initiative will review Agency Regulations T-20 which prescribes additional tolls for railway companies which do not comply with certain sections of the Railway Act.

These regulations are being reviewed because they may no longer be necessary following the enactment of the National Transportation Act, 1987.

**Category:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number NTA-23.

**Contact:** Guy Proulx, Director, Rail Complaints, Tariffs and Mediation Directorate, Rail Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9.

Tel. (819) 997-6270; Fax (819) 953-5686.

#### NTA-23

##### **Freight for Flag Stations Consignment Regulations**

The regulatory initiative will review Agency Regulations T-08 which regulate the delivery and care of goods consigned to railway flag stations (i.e., stations not staffed by railway employees).

These regulations are being reviewed because they may no longer be necessary following the enactment of the National Transportation Act, 1987.

**Category:** Low cost



Status: This initiative appeared in the 1993 Regulatory Plan as initiative number NTA-27.

**Contact:** Guy Proulx, Director, Rail Complaints, Tariffs and Mediation Directorate, Rail Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9.

Tel. (819) 997-6270; Fax (819) 953-5686.

#### NTA-24

##### **Railway Embargoes Regulations**

The regulatory initiative will review Agency Regulations T-17 which prescribe procedures which railways must undertake when notifying the Agency of the issuance and withdrawal of freight embargoes. Such embargoes come about as a result of labour stoppages, impassable trackage, etc. These regulations are being reviewed because they may no longer be necessary following the enactment of the National Transportation Act, 1987.

Category: Low cost

Status: This initiative appeared in the 1993 Regulatory Plan as initiative number NTA-30.

**Contact:** Guy Proulx, Director, Rail Complaints, Tariffs and Mediation Directorate, Rail Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9.

Tel. (819) 997-6270; Fax (819) 953-5686.

#### NTA-25

##### **Non-Passenger Car Travelling Release Form Order**

The regulatory initiative will review Agency Regulations T-25 which prescribe a release form for use by railway companies to protect themselves from actions by persons travelling in non-passenger cars.

These regulations are being reviewed because they may no longer be necessary following the enactment of the National Transportation Act, 1987.

Category: Low cost

Status: This initiative appeared in the 1993 Regulatory Plan as initiative number NTA-32.

**Contact:** Guy Proulx, Director, Rail Complaints, Tariffs and Mediation Directorate, Rail Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9.

Tel. (819) 997-6270; Fax (819) 953-5686.

#### NTA-26

##### **Free and Reduced Rate Transportation Regulations**

The regulatory initiative will review Agency Regulations T-26 which regulate the issuance and recording of free or reduced rate (passenger) transportation.

These regulations are being reviewed because they may no longer be necessary following the enactment of the National Transportation Act, 1987.

Category: Low cost

Status: This initiative appeared in the 1993 Regulatory Plan as initiative number NTA-33.

**Contact:** Guy Proulx, Director, Rail Complaints, Tariffs and Mediation Directorate, Rail Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9.

Tel. (819) 997-6270; Fax (819) 953-5686.

#### NTA-27

##### **Railway Free and Reduced Rate Transportation Regulations**

The regulatory initiative will review Agency Regulations T-27 which specify categories of passengers who are eligible for free or reduced rate travel.

These regulations are being reviewed because they may no longer be necessary following the enactment of the National Transportation Act, 1987.

Category: Low cost

Status: This initiative appeared in the 1993 Regulatory Plan as initiative number NTA-34.

**Contact:** Guy Proulx, Director, Rail Complaints, Tariffs and Mediation Directorate, Rail Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9.

Tel. (819) 997-6270; Fax (819) 953-5686.

## **Future Initiatives**

### **Air and Accessible Transportation Branch**

#### **Cost Recovery in the Air Transportation Mode**

Pursuant to the government's cost-recovery policy for services and limited rights and benefits, consideration is being given to implementing regulations to charge air carriers fees for some functions of the Agency. However, until the government's reaction to the recommendations contained in the report of the National Transportation Act Review Commission is known, this cost recovery initiative is on hold.

Adoption of this initiative would result in charges being assessed to air carriers for some functions of the Agency which, simultaneously, would reduce the government's cost of providing the said services.

**Contact:** Dennis C. Rennick, Manager, Domestic Licensing and Economic Evaluation Division, Air and Accessible Transportation Branch, National

Transportation Agency, Ottawa, Ontario, K1A 0N9.  
Tel. (819) 953-9786; Fax (819) 953-5562.

### **Accessibility Standards – Persons with Disabilities – Transportation Terminals**

Transportation services have been developing construction and retrofitting programs to improve accessibility. The Agency is considering making new regulations that prescribe accessibility standards for terminals linked to air, rail and marine transportation under federal jurisdiction. New regulations would ensure that common standards are applied in these modes of transportation.

Alternatives under review are the status quo, the use of voluntary standards or the use of guidelines established by the Agency.

The Agency will mainly consult with organizations of/for persons with disabilities, domestic carriers and terminal operators and their associations, health care professionals, provincial and federal government departments having an interest in persons with disabilities, central agencies and other interested persons. Other stakeholders will be made aware of the Agency's plans through a notice in the *Canada Gazette* and distribution of the project for comment.

**Contact:** Joan Crossman, Director, Accessible Transportation Directorate, Air and Accessible Transportation Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9.  
Tel. (819) 997-6828; Fax (819) 953-6019.

### **Communication of Information to Persons with Disabilities**

The ability to communicate is essential if people are to give and receive information, and the main methods of communication are through speech and print. People who are unable to hear the spoken word or see the written word do not have access to much of the information related to transportation. The Agency is considering making new regulations that standardize the communication of information for persons with sensory or cognitive impairments in air, rail and marine transportation under federal jurisdiction.

Alternatives under review are the status quo, the use of voluntary standards or the use of guidelines established by the Agency.

The Agency will mainly consult with organizations of/for persons with disabilities, domestic carriers and terminal operators and their associations, health care professionals, provincial and federal government departments having an interest in persons with disabilities, central agencies and other interested persons. Other stakeholders will be made

aware of the Agency's plans through a notice in the *Canada Gazette* and distribution of the plans for comment.

**Contact:** Joan Crossman, Director, Accessible Transportation Directorate, Air and Accessible Transportation Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9.  
Tel. (819) 997-6828; Fax (819) 953-6019.

## **Rail Branch**

### **Details of Maps, Plans, Profiles, Drawings, Specifications and Book of Reference (General Order E-1)**

These regulations indicate the format to which various documents should be prepared (scales, limits) and filed.

The Agency intends to revoke these regulations and replace them with guidelines. This should be sufficient to ensure consistency in the documentation, filed yet give the Agency the flexibility to accept documents that might not meet specific application requirements but which will satisfy needs in particular cases.

Further consultation with interested parties will be undertaken on the development of these guidelines.

**Contact:** Ian C.W. Spear, Director, Rail Infrastructure Directorate, Rail Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9.  
Tel. (819) 953-0327; Fax (819) 953-5686.

### **Height of Telegraph Wires and Telephone Lines Regulations (General Order E-18)**

These regulations prescribe that the height of telegraph and telephone lines over public and private areas must meet the requirements of the Canadian Standards Association (CSA). Since the coming into force of the Railway Safety Act, many sections in these regulations which are safety related and refer to the CSA standards, fall under the jurisdiction of Transport Canada.

The Agency intends to revoke the regulations. They should be replaced with guidelines which would contain specifications sufficient to allow the exemptions of the Railway Act to take effect.

Further consultation with interested parties will be undertaken on the development of these guidelines.

**Contact:** Ian C.W. Spear, Director, Rail Infrastructure Directorate, Rail Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9.  
Tel. (819) 953-0327; Fax (819) 953-5686.



**Joint Use of Poles Regulations (General Order E-12)**

These regulations cover the joint use of poles by telephone, telegraph and electric power corporations which ensures that the party requesting to make joint use of poles enters into an agreement with the person owning or controlling the poles.

The Agency intends to revoke these regulations. They should be replaced with guidelines that would contain specifications sufficient to allow the exemption provisions of the Railway Act to take effect.

Further consultation with interested parties will be undertaken on the development of these guidelines.

**Contact:** Ian C.W. Spear, Director, Rail Infrastructure Directorate, Rail Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9.

Tel. (819) 953-0327; Fax (819) 953-5686.

**Regulations governing Pipe Crossings under Railways (General Order E-10)**

These regulations apply in respect of the laying and maintaining of sewer pipes, water pipes, pipes for oil and other flammable or highly volatile liquids and pipes for natural or manufactured gas under railways.

The Agency intends to revoke these regulations as many of the sections are safety-related and refer to Canadian Standards Association (CSA) standards, which fall under the jurisdiction of Transport Canada. These regulations should be replaced with guidelines which would contain specifications sufficient to allow the exemptions of the Railway Act to take effect.

Further consultation with interested parties will be undertaken on the development of these guidelines.

**Contact:** Ian C.W. Spear, Director, Rail Infrastructure Directorate, Rail Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9.

Tel. (819) 953-0327; Fax (819) 953-5686.

**Public Utility Relocation Accounting Regulations (General Order E-9)**

The formal title of these regulations, "Regulations respecting the preparation of accounts in respect of the cost of relocation of a public utility that is part of a work ordered or approved by the Commission and for which a grant may be made from the Railway Grade Crossing Fund", is self-explanatory. Since the coming into force of the Railway Safety Act, these regulations are no longer used by the Agency in view of the fact that the provision of grants for railway crossing work and the payment of accounts is now under the jurisdiction of Transport Canada.

The Agency intends to revoke these regulations as they are no longer required by the Agency. Moreover, these regulations are not relevant as they make reference to the Railway Grade Crossing Fund which no longer exists.

**Contact:** Ian C.W. Spear, Director, Rail Infrastructure Directorate, Rail Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9.

Tel. (819) 953-0327; Fax (819) 953-5686.

**Regulations Respecting the Construction, Reconstruction and Improvement of Grade Separations in Respect of Railways Subject to the Jurisdiction of the Commission (General Order No. E-5)**

These regulations detail the requirements for constructing a grade separation pursuant to Sections 200, 201, and 202 of the Railway Act. It also includes the procedure for making an application to the Agency and how to present a plan.

The Agency has already revoked the cost apportionment clauses of these regulations and replaced them with a guideline. The Agency intends to revoke the remainder of these regulations and replace them with guidelines. This should be sufficient to ensure consistency in the documentation filed with the Agency yet give the Agency the flexibility to accept documents that might not meet specific application requirements but which will satisfy its needs in particular cases.

Further consultation with interested parties will be undertaken on the development of these guidelines.

**Contact:** Ian C.W. Spear, Director, Rail Infrastructure Directorate, Rail Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9.

Tel. (819) 953-0327; Fax (819) 953-5686.

**Railway-Highway Crossing at Grade Regulations (General Order E-4)**

These regulations detail the requirements of a railway when constructing or reconstructing a railway/highway crossing pursuant to Sections 200, 201 and 202 of the Railway Act. The regulations also set out the requirements for plans, procedures, size of crossing surface, cost apportionment, signalization, etc. The portion of the regulations dealing with safety (size of crossing surface, requirements for signs, etc.) is the responsibility of Transport Canada.

The Agency, in cooperation with Transport Canada, intends to revoke these regulations as many of the sections are safety related, which fall under the jurisdiction of Transport Canada. They should be replaced with guidelines to ensure consistency in the documentation filed with the Agency yet give the Agency the flexibility to accept documents that

might not meet specific application requirements but which will satisfy its needs in particular cases.

Further consultation with interested parties will be undertaken on the development of these guidelines.

**Contact:** Ian C.W. Spear, Director, Rail Infrastructure Directorate, Rail Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9.

Tel. (819) 953-0327; Fax (819) 953-5686.

### **Wire Crossings and Proximity Regulations (General Order E-11)**

These regulations, which cover standards for wire crossings and proximity, apply to the construction and maintenance of lines, wires or other conductors for the transmission of electrical energy or for communication purposes, for which leave of the Agency is required by virtue of section 326 of the Railway Act. Since the coming into force of the Railway Safety Act, many sections in these regulations which are safety-related and refer to CSA standards, fall under the jurisdiction of Transport Canada. However, the sections needed to allow the exemption provisions of subsection 326(5) of the Railway Act to take effect remain under the jurisdiction of the Agency.

The Agency intends to revoke these regulations as many of the sections are safety-related and refer to CSA standards, which fall under the jurisdiction of Transport Canada. They should be replaced with guidelines which would contain specifications sufficient to allow the exemptions of the Railway Act to take effect.

Further consultation with interested parties will be undertaken on the development of these guidelines.

**Contact:** Ian C.W. Spear, Director, Rail Infrastructure Directorate, Rail Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9.

Tel. (819) 953-0327; Fax (819) 953-5686.

### **Tolls to be Charged for Use of International Bridges and Tunnels**

Section 9 of the Railway Act grants the Agency jurisdiction and control over tolls to be charged for the use of international bridges and tunnels.

Corporations owning or operating such facilities were required to file their tariffs with the Agency's regulatory predecessors pursuant to the Regulations Governing the Construction, Filing and Posting of Telegraph and Telephone Tariffs by Telegraph and Telephone Companies, which applied as well to international bridge and tunnel tariffs, contained in Tariff Circular 3.

With the coming into force of the Canadian Radio-Television and Telecommunications Act on June 15, 1975, the Canadian Transport Commission

did not retain a jurisdiction in the field of telecommunication tariffs approval and filing. A new regulatory body created by this Act, the Canadian Radio-Television and Telecommunications Commission (CRTC), was given the mandate to regulate these matters. The CRTC rescinded Tariff Circular 3 in its 1979 SOR/79-555 regulations.

Consequently, the Agency is currently lacking a statutory instrument to govern international bridge and tunnel tariffs filing and is considering the implementation of a new regulation which would replace the former Tariff Circular 3 in that respect.

**Contact:** Guy Proulx, Director, Rail Complaints, Tariffs and Mediation, Rail Branch, National Transportation Agency, Ottawa, Ontario, K1A 0N9.  
Tel. (819) 997-6270; Fax (819) 953-5686.



# National Capital Commission

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## General Information

### Roles and Responsibilities

The National Capital Commission is the Federal Crown Corporation which, under subsection 10.(1) of the National Capital Act, has the responsibility to prepare plans for and assist in the development, conservation and improvements of the National Capital Region in order that the nature and character of the seat of the Government of Canada may be in accordance with its national significance; and organize, sponsor or promote such public activities and events in the National Capital Region as will enrich the cultural and social fabric of Canada, taking into account the federal character of Canada, the equality of status of the official languages of Canada and the heritage of the people of Canada.

The Commission acts as an agent of Her Majesty and must have government approval to undertake its programs and activities.

The means available to the Commission to carry out its mandate are specified in subsection 10.(2) of the Act, which authorizes it to buy, sell, lease, develop and dispose of property; construct parks, highways, bridges, buildings and parkways; maintain and improve its own land and the property of other federal departments and agencies upon request; engage in joint projects with municipalities; make grants; conduct research; preserve historical sites and buildings; co-ordinate the policies and programs of the Government of Canada respecting the organization, sponsorship or promotions by departments of public activities and events related to the NCR; and do anything else incidental to the attainment of its responsibilities.

Section 12 of the Act gives the Commission the further responsibilities to co-ordinate the development of federal lands in the NCR; approve proposals to erect or demolish buildings or to change the use of federal lands; approve proposals by departments to sell lands in the NCR.

The various policy instruments available to the Commission continue to be necessary to achieve the physical, social and economic objectives established by the Federal Government for the NCR. In addition, cooperative efforts with municipal, regional and other federal authorities to achieve common goals will continue to play an important role in determining the Commission's ability to fulfil its mandate.

### Legislative Mandate

- National Capital Act, R.S. 1985, ch. N-4

## Initiative for 1994

### NCC-1

#### National Capital Commission Property Regulations

These proposed regulations will revoke the National Capital Commission Traffic and Property Regulations and create the National Capital Commission Property Regulations.

Any person entering NCC property will be required to comply with revised rules of conduct for the protection of public lands, for preserving order and preventing accidents therein.

**Classification:** Low cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number NCC-1.

**Contact:** Elizabeth M. Walker, Legal Counsel, Legal Services and Commission Secretariat, National Capital Commission, 161 Laurier Avenue West, Ottawa, Canada, K1P 6J6.  
Tel. (613) 239-5179; Fax (613) 239-5404.

# Office of the Superintendent of Financial Institutions

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## General Information

### Roles and Responsibilities

The Office of the Superintendent of Financial Institutions was established on July 2, 1987 by an Act of Parliament that amalgamated the Department of Insurance and the Office of the Inspector General of Banks. The Office is responsible for supervising all federally registered or licensed financial institutions and employer-sponsored pension plans relative to employment under federal jurisdiction. In addition, the Office provides actuarial advice to other departments and performs extensive actuarial services in the valuation of government pension and insurance programs.

Pursuant to the Office of the Superintendent of Financial Institutions Act, the Office is responsible for administering legislation governing banks and federally registered or licensed insurance, trust, loan and investment companies as well as co-operative credit societies. The deputy head of the office is the Superintendent of Financial Institutions, and the Minister of Finance is the responsible minister.

The primary objective of the Office is to protect the interests of depositors, policyholders, creditors and pension plan members by ensuring the soundness

of both institutions and pension plans. The Office monitors and examines supervised institutions and pension plans for compliance with applicable legislation, related regulations and guidelines. It also gathers information concerning the operations of institutions and pension plans to develop sound regulatory policies and to assess strengths and weaknesses in the financial system.

### Legislative Mandate

The major statutes under the jurisdiction of the Office are the following:

- Bank Act
- Civil Service Insurance Act
- Cooperative Credit Associations Act
- Excise Tax Act – Part 1
- Insurance Companies Act
- Investment Companies Act
- Office of the Superintendent of Financial Institutions Act
- Pension Benefits Standards Act, 1985
- Trust and Loan Companies Act

### Administrative Arrangements

By agreement with the Provinces of Manitoba, New Brunswick and Prince Edward Island, the Office examines and monitors, on behalf of those provinces, certain insurance, trust and loan companies incorporated in those provinces.

Pursuant to Section 28 of the Canada Deposit Insurance Corporation Act and letters of engagement with the Canada Deposit Insurance Corporation (CDIC), the Office examines, on behalf of CDIC, all CDIC-member trust companies incorporated under provincial laws, with the exception of those incorporated in the provinces of Ontario and Quebec. With respect to trust companies incorporated in the Province of Ontario, the Office reviews certain reports and financial statements. The Office performs no services on behalf of CDIC with respect to companies incorporated in Quebec.

Pursuant to Paragraph 147.2(2) of the Income Tax Act, the Office provides advice to the Department of National Revenue with respect to the acceptability of employer contributions to defined benefit pension plans as deductions from taxable income.

Pursuant to Subsection 147.1(17) of the Income Tax Act, and by agreement with the Department of



National Revenue, the Office provides other pension-related advice to the Department of National Revenue.

By agreement with the Department of Indian Affairs and Northern Development (IAND), the Office advises IAND with respect to the technical aspects of the Indian Pension Plan Funding (IPPF) program to ensure compliance with funding criteria established by IAND and Treasury Board. The Office also co-ordinates reviews of pension plans applying for IPPF funding and amendments to funded pension plans to ensure their compliance with the Pension Benefits Standards Act, 1985 and the registration provisions of the Income Tax Act.

## Initiatives for 1994

### OSFI-1

#### Financial Sector Reform

The Bank Act, the Trust Companies Act, the Loan Companies Act, the Canadian and British Insurance Companies Act, the Foreign Insurance Companies Act and the Cooperative Credit Associations Act have been replaced by new legislation which was proclaimed in force on June 1, 1992.

The new legislation broadens the lending and investment powers of federally regulated financial institutions, updates and streamlines the regulatory regime under which they operate, and modernizes the corporate law provisions that govern them. As well, it contains provisions requiring approval for changes in the ownership of financial institutions. The new legislation and related regulations will continue to have a significant impact on Canadian financial institutions and their customers. Through broadened corporate business and investment powers, international competitiveness and domestic growth of Canadian financial institutions are being promoted. These measures are also enhancing competition and innovation, increasing the options available to Canadian consumers. Further, the protection of depositors, holders of insurance policies, members of fraternal benefit societies and shareholders are being improved by updated rules respecting corporate governance, auditing, related-party transactions and conflicts of interest. The requirement for approval of certain share transfers is helping to ensure appropriate ownership of federal financial institutions.

Although a number of regulations have been promulgated under the new legislation, a significant number remain to be promulgated. Further, due to the substantive changes in policy reflected in the new legislation, and due to the volume and

complexity of the new legislation and the regulations already promulgated, some of the regulations currently in force may require minor "fine tuning" amendments.

Extensive industry consultation and discussion has preceded the promulgation of the regulations currently in force, and will precede the promulgation of future regulations and amendments.

A summary of the regulations to be promulgated or amended follows.

**Form of proxy:** The regulations will prescribe the form and content of the proxy solicitation to be sent to shareholders and policyholders of financial institutions and filed with the Superintendent.

The Form of Proxy Regulations promulgated under the Bank Act of 1980 continue in force for banks under the new Bank Act, having been carried forward by virtue of the provisions contained in the Interpretation Act. These will be revoked and replaced by amended regulations, which will apply to banks, cooperative credit associations, insurance companies and trust and loan companies.

It was originally proposed that these regulations would be similar to those promulgated under the Bank Act of 1980, and a consultation draft based on the original proposal was released on November 27, 1991.

It is now proposed that the form and content of the proxy solicitation will reflect, to the extent possible, the form and content of the proxy solicitation required of a corporation under Part IV of the Canada Business Corporations Act.

**Insider reports:** The regulations will prescribe the form of the insider report which must be filed with the Superintendent in connection with the ownership or acquisition of shares of a financial institution.

The Insider Reports Regulations promulgated under the Bank Act of 1980 continue in force for banks under the new Bank Act, having been carried forward by virtue of the provisions contained in the Interpretation Act. These will be revoked and replaced by amended regulations, which will apply to banks, cooperative credit associations, insurance companies and trust and loan companies.

It was originally proposed that these regulations would be similar to those promulgated under the Bank Act of 1980, and a consultation draft based on the original proposal was released on November 27, 1991.

It is now proposed that the form of the insider report will reflect, to the extent possible, the form of the insider report required of a corporation under the Canada Business Corporations Act.

**Exempt debt obligations transactions:** The Bank Act provides that a bank requires the approval of the Superintendent if it wishes to enter into a transaction, the effect of which would be to acquire or dispose of assets, within a twelve month period, having a value in excess of ten per cent of the total assets of the bank.

It further provides that debt obligations issued by a prescribed international agency and debt obligations that are widely-distributed, as defined in the regulations, are not to be included in the total assets for the purpose of this restriction.

The regulations will prescribe international agencies and will define the term "widely-distributed". These will be similar to the definitions contained in the Commercial Loan Regulations which were promulgated on June 4, 1992 with respect to cooperative credit associations, insurance companies and trust and loan companies.

**Insurance activities:** The regulations will delineate the relationships that cooperative credit associations maintain with entities or individuals that engage in or carry on the business of insurance, and the relationships that they maintain with insurance companies, insurance agents and insurance brokers. The regulations will also define the insurance-related activities in which cooperative credit associations may engage, the manner in which they may provide, promote and solicit business in connection with these activities, and the use and distribution of protected types of information.

It is expected that the regulations will be similar to the Insurance Business Regulations promulgated on May 21, 1992 with respect to banks and trust and loan companies.

**Credit information:** The regulations will address the use and distribution by an insurance company of protected types of information.

**Form, content and distribution of prospectus:**

The regulations will prescribe the form, content and distribution of a preliminary prospectus and a prospectus which must be filed with the Superintendent in connection with the issue of securities by a financial institution.

The Prospectus Regulations promulgated under the Bank Act of 1980 continue in force for banks under the new Bank Act, having been carried forward by virtue of the provisions contained in the Interpretation Act. These will be revoked and replaced by amended regulations, which will apply to banks, cooperative credit associations, insurance companies and trust and loan companies.

It was originally proposed that these regulations would be similar to those promulgated under the

Bank Act of 1980, and a consultation draft based on the original proposal was released on November 27, 1991.

It is now proposed that these regulations will provide that a prospectus is to be prepared in compliance with the laws of the province or provinces in which the prospectus is to be distributed.

**Prospectus exemptions:** In certain circumstances, it is appropriate to allow a financial institution to issue securities without filing with the Superintendent or distributing a preliminary prospectus or a prospectus.

These regulations will establish the circumstances in which financial institutions will be exempt from the filing and distribution requirements, and will be based on the exemptions which were contained in the Bank Act of 1980.

**Restrictions on in-house investment counselling and portfolio activities:**

The regulations will establish the prohibitions, terms and conditions to which a financial institution will be subject in connection with the in-house provision of investment counselling and portfolio management services.

**Minority investments:** The legislation provides that a financial institution cannot acquire or increase substantial investments in corporations carrying on certain activities, unless the institution controls the corporations, or unless allowed by the regulations.

These regulations will establish the circumstances in which a financial institution may acquire or increase substantial investments in corporations without acquiring a controlling interest in such corporations.

**Real property interests:** The regulations will define the interests of a financial institution and its prescribed subsidiaries in real property, will determine the method of calculating and valuing those interests, and will also determine which subsidiaries are to be prescribed. A consultation draft of the proposed regulations was released on March 17, 1992.

**Related party transactions:** The legislation prohibits transactions between a financial institution and parties related to it, other than transactions specifically permitted by the legislation or regulations. On May 21, 1992, regulations were promulgated permitting certain related party transactions between foreign bank subsidiaries in Canada and their foreign parent banks.

Additional regulations are required to allow securities dealer subsidiaries of financial institutions to trade in the shares of their parent institutions on behalf of third parties, and to allow financial institutions to allocate tax deductions among related parties, as provided by the Income Tax Act.



At present, federal financial institutions which are themselves subsidiaries of other federal financial institutions are restricted in their dealings with other subsidiaries of the parent financial institution. Regulations may be required allowing them to engage in certain transactions or classes of transactions with such other subsidiaries."

**Equity valuation (fraternal benefit societies):** The legislation imposes restrictions on investments by financial institutions and their prescribed subsidiaries in equity interests in other entities. It further provides that the subsidiaries to be included, and the method of calculating the value of the interests, are to be set out in regulations.

On May 21, 1992, such regulations were promulgated with respect to banks, cooperative credit associations, insurance companies and trust and loan companies. Similar regulations are also required with respect to fraternal benefit societies.

**Protection of assets:** The legislation provides that regulations may be passed respecting the protection and maintenance of a financial institution's assets.

On June 4, 1992, such regulations were promulgated with respect to banks, cooperative credit associations, insurance companies and trust and loan companies. These regulations are to be amended to clarify certain wording. Similar regulations are also required with respect to fraternal benefit societies.

**Investments by foreign companies:** On May 14, 1992, the Investments (Foreign Companies) Regulations were promulgated. These regulations provide, *inter alia*, that commercial loans cannot constitute more than five per cent of the assets vested in trust by a foreign life company, unless the assets vested in trust exceed the liabilities of the company in Canada by more than \$25,000,000. These regulations are to be amended to provide that the restrictions are to apply unless the assets vested in trust exceed the liabilities of the company in Canada, plus the margin of assets required by paragraph 608(1)(a) of the Insurance Companies Act, by more than \$25,000,000.

**Miscellaneous amendments to existing regulations:** Several of the regulations promulgated under the financial sector reform legislation make reference to certain generally accepted accounting principles (GAAP), and several of the regulations make reference to the exemption of prescribed subsidiaries from various calculations.

The wording of these regulations is to be clarified to confirm that the accounting principles to which reference is made are GAAP as modified by the Superintendent, and to confirm that the subsidiaries

of prescribed subsidiaries are also exempted from the calculations.

As discussed earlier, due to the substantive changes in policy reflected in the new legislation, and due to the volume and complexity of the new legislation and the regulations already promulgated, other regulations currently in force may require minor "fine tuning" amendments.

The benefits of these regulations will be to achieve the government's goals, as described above.

These regulations will impose initial administrative costs on the financial sector, which must implement systems to ensure compliance, and will impose some on-going costs in maintaining and refining these systems. However, although the on-going costs may be greater than the costs incurred under the previous legislation and regulations, they should not be significantly higher.

The Office has also incurred initial expenses in developing and processing these regulations, and will incur some on-going costs in distributing them, discussing them with and explaining them to interested parties, and monitoring for compliance purposes. Again, although the on-going costs may be greater than those incurred under the previous legislation and regulations, they should not be significantly higher.

**Classification:** Major

**Status:** These initiatives appeared in the 1993 Regulatory Plan as initiative number OSFI-1.

**Contact:** B. Knapp, Director, Policy Division, Office of the Superintendent of Financial Institutions, Ottawa, Ontario, K1A 0H2.

Tel. (613) 990-9004; Fax (613) 952-8219.

## OSFI-2

### Pension Benefits Standards

The Pension Benefits Standards Act, 1985 sets standards for the registration of pension plans subject to federal supervision. The regulations made pursuant to the Act contain additional requirements necessary to carry out its intent. Ongoing administrative experience, including discussions with administrators and professionals indicates that further changes are required to reflect current policy and practice.

The following describes the more significant changes that the Office is in the process of drafting.

**Designated provinces:** The Act provides that reciprocal agreements with respect to supervision of pension plans may be entered into with provincial governments which have enacted legislation similar to federal pension legislation. Alberta, Manitoba, Nova Scotia, Ontario and Quebec are already covered by such agreements. As British Columbia,

New Brunswick and Saskatchewan have enacted legislation similar to federal pension legislation, the regulations will be amended to recognize them as designated provinces.

**Funding of pension plans:** Occasionally, existing pension plans become subject to the Act subsequent to their establishment. In these cases, the funding requirements of the Act may impose funding schedules that are too onerous. The regulations will be amended to establish transitional funding standards for these plans.

**Non-resident plan members:** The regulations will be amended to exempt non-resident plan members and members who cease to be Canadian residents from the application of certain provisions of the Act.

**Exemption of benefits in excess of the Income Tax Act limits from application of the Act:**

Currently, pension benefits that are in excess of the limits imposed by the Income Tax Act are subject to pension legislation. The combination of the minimum standards of the Pension Benefits Standards Act, 1985 and the pension tax rules often impose an onerous financial burden on plan sponsors. The regulations will be amended to exempt from the application of the Act pension plans that are established exclusively to provide such excess benefits.

**Exemption from joint and survivor form of pension:**

The Act requires that pension benefits payable to a plan member who has a spouse must be in joint and survivor form. The application of this standard to certain special retirement benefits such as "bridge" benefits has proven to be administratively complex and costly. The regulations will be amended to exempt these special retirement benefits from the joint and survivor form.

**Life income funds:** The Act requires that retiring plan members receive an immediate life annuity. There have been numerous requests from plan members and retired plan members for more investment flexibility with respect to transferring amounts from pension funds. The Canadian Association of Pension Supervisory Authorities has adopted the principle of a new retirement capital liquidation vehicle, the Life Income Fund (LIF). The LIF provides more flexibility to retiring plan members while continuing to ensure that they receive an income for life. Some provinces have already implemented the LIF and others are in the process of amending their legislation to do so. Subject to necessary amendments to the Act, the regulations will be amended to allow the use of the LIF as an optional retirement vehicle for pension plans.

**Application of the Act to Cape Breton**

**Development Corporation (CBDC):** It has always

been understood by the parties involved in the administration and supervision of CBDC's pension plans that the Act applied to its plans. However, in the course of the supervision of CBDC's plans, it has been discovered that the Act does not apply. The regulations will be amended to make CBDC's plans subject to the Act.

**Custodial agreements and securities**

**depositories:** The regulations will be amended to provide that investments may be held in the name of a bank, trust company or other financial institution, their nominees, or securities depository, but must be held pursuant to a custodial agreement that clearly sets out that the investments are being held on behalf of the pension plan. This amendment will allow plans to take advantage of more modern and efficient techniques for making investments while safeguarding their interests in the investments being held by a financial institution, nominee or securities depository. The amendment will also rectify the existing inconsistency which requires that banks, which are not allowed to exercise trust powers, enter into trust agreements.

**Change to the minimum death benefit payable to surviving spouses under annuity contracts**

**serving as portability options:** The regulations will be amended to provide that, if the annuitant dies before payments begin, deferred annuities serving as portability options will pay an amount equal to the commuted value of the annuity. This amendment will be similar to an existing provision under Ontario pension standards legislation.

**Transfer values:** The regulations currently require that pension benefit credits must be calculated for the exercise of portability options, in accordance with the Recommendations for the Computation of Minimum Transfer Values of Deferred Pensions issued by the Canadian Institute of Actuaries, November 1988. The Institute has recently revised its recommendations and the regulations will be amended to incorporate these revisions.

**Distribution of assets from wound-up plans:** The Act provides the Superintendent with authority to make regulations respecting the distribution of assets of a pension plan that is being wound-up. To date, no such regulations have been promulgated. Many plan texts are silent about how the assets of the pension fund are to be distributed when the plan is wound-up. This leaves to the plan's trustees the determination of who is entitled to full or partial benefits. Several methods could reasonably be used to allocate assets, leading to uncertainty and possible controversy.

The regulations will be amended to provide a method of distribution on winding-up with respect to



those plans which do not address the distribution of assets when the plan is wound up.

These amendments address certain technical problems, and clarify the intent of the regulations. They will resolve uncertainty, will lessen the administrative burden and costs currently incurred by pension plans and their trustees, and will contribute to the efficient functioning of pension plans and their supervision.

Other than the costs incurred in developing and processing these amendments, they will have no significant effect on costs incurred by the Office.

**Classification:** Intermediate cost

**Status:** These initiatives appeared in the 1993 Regulatory Plan as initiative number OSFI-2.

**Contact:** M. Fowler, Director General, Pension Benefits Division, Office of the Superintendent of Financial Institutions, Ottawa, Ontario, K1A 0H2. Tel. (613) 990-8084; Fax (613) 952-7394.

### OSFI-3

#### **Assessment of Expenses Against Supervised Financial Institutions**

Expenses incurred by the Office that relate to the administration of federal legislation applicable to federally supervised financial institutions are shared among the supervised institutions. The Assessment of Financial Institutions Regulations specify how these expenses are apportioned among these institutions. The following amendments to the regulations are contemplated.

**Change of name of legislation:** The new financial services legislation has changed the names of several of the Acts under which the regulations were promulgated; accordingly, amendments to the regulations are required to reflect these changes.

**Apportionment of expenses:** Representations have been made by affected industry segments that the method of apportioning expenses among individual institutions should be reviewed, to ensure that it continues to be equitable and reasonable. Following further discussions with the industry, appropriate amendments to the regulations are contemplated. The amendment relating to change of name is a technical amendment, and will impose no direct costs on the industry.

The amendment relating to apportionment of expenses will result in a redistribution of the Office costs, with some types of institutions paying a larger share and some types of institutions paying a smaller share than was previously the case. The net effect, however, will be neutral on the financial services industry as a whole.

Other than the costs incurred in developing and processing these amendments, they will have no significant effect on costs incurred by the Office.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number OSFI-3.

**Contact:** H.R. Urquhart, Director, Finance, Office of the Superintendent of Financial Institutions, Ottawa, Ontario, K1A 0H2.

Tel. (613) 990-7536; Fax (613) 952-6904.

### OSFI-4

#### **Investment Valuation Rules – Determination of Market Value and Accounting for Substantial Investments**

Existing Investment Valuation Regulations promulgated under former insurance legislation continue in force under the new Insurance Companies Act, having been carried forward by virtue of the provisions contained in the Interpretation Act.

It is intended that these regulations operate in substantially the same manner under the new Insurance Companies Act as they did under the former legislation. To achieve this objective, it is necessary that the regulations be amended to address the determination of market values with respect to substantial investments and closely-held equity investments held by federally regulated property and casualty insurance companies.

It may also be necessary to make some additional minor amendments.

These amendments are technical in nature. They clarify the intent of the Office to continue the previous rules, and will impose no additional costs on the regulated companies.

Other than the costs incurred in developing and processing these amendments, they will have no significant effect on costs incurred by the Office.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number OSFI-4.

**Contact:** R. Graham, Director, Analysis, Property and Casualty Insurance Division, Office of the Superintendent of Financial Institutions, Ottawa, Ontario, K1A 0H2.

Tel. (613) 990-7801; Fax (613) 952-8219.

### OSFI-5

#### **Investment Valuation Rules for Canadian Life Insurance Companies – Capital Gains Treatment on Realization of Security and Appropriations of Capital**

**Capital gains treatment on realization of security:**

To ensure a more equitable distribution among

generations of policyholders of the unrealized appreciation or depreciation on real estate held by companies, the current regulations provide that the capital gains and losses resulting from sales of real estate are brought into income over a period of time instead of being directly reflected in income and surplus in the year of disposal.

These regulations are to be amended to clarify that this treatment is not to be accorded to real estate acquired pursuant to the realization of a security interest against real property. In this situation, real estate is to be carried at market value; thus, any fluctuations in value will be brought into income as they occur.

**Appropriations of capital:** The current regulations provide for the establishment of certain reserves. Because the Minimum Continuing Capital and Surplus Rules, which measure the capital adequacy of life insurance companies, are now effective, some of the existing reserves have become inappropriate or redundant. The regulations will be amended to address such inappropriateness or redundancy.

These amendments are technical in nature, and will impose no additional costs on the regulated companies.

Other than the costs incurred in developing and processing these amendments, they will have no significant effect on costs incurred by the Office.

**Classification:** Intermediate cost

**Status:** This initiative appeared in the 1993 Regulatory Plan as initiative number OSFI-5.

**Contact:** Johanne C. Prévost, Manager, Supervisory Policy, Office of the Superintendent of Financial Institutions, Ottawa, Ontario, K1A 0H2.  
Tel. (613) 990-7245; Fax (613) 952-8219.

## OSFI-6

### Financial Institutions Legislation – Regulatory Orders

Various sections of the Bank Act, the Trust and Loan Companies Act, the Insurance Companies Act and the Cooperative Credit Associations Act provide the Superintendent, the Minister of Finance or the Governor in Council with authority to grant permissions, approvals, consents, exemptions and similar dispensatory relief to financial institutions, and the authority to require that institutions take or refrain from taking certain actions. A number of these relief provisions and directions are expected to be exercised during 1994 but it is impossible to determine their frequency.

The use of relief provisions and directions is part of the ongoing process of routine supervisory control. It is intended that the use of these regulatory tools will enhance public protection and variety of choice

with the least possible disruption to the institutions affected. The use of relief provisions will, in most cases, lessen regulatory burden and should not impose any additional costs on the regulated institutions. The use of directions will impose additional restrictions on institutions and, depending upon the nature of the direction, may result in increased costs to the regulated institutions.

However, such directions will only be used when necessary, in circumstances in which the benefit to the financial system outweighs the increased costs imposed on the regulated institutions.

Other than the costs incurred in processing relief provisions and directions, they will have no significant effect on costs incurred by the Office.

**Classification:** Intermediate cost

**Status:** This is a recurring initiative.

**Contact:** A. Brossard, Director, Rulings Division, Office of the Superintendent of Financial Institutions, Ottawa, Ontario, K1A 0H2.  
Tel. (613) 990-7805; Fax (613) 952-8219.

## OSFI-7

### Supervision of Financial Institutions – Miscellaneous

The Governor in Council has, from time to time, made regulations pursuant to authority contained in the Office of the Superintendent of Financial Institutions Act and the various other statutes administered by the Office. These regulations deal primarily with matters pertaining to the supervision of financial institutions. It is likely that, during 1994, minor changes to some of these regulations will be necessary to clarify intent and purpose, to correct ambiguities or discrepancies or to delete obsolete provisions.

Because the changes will be minor, these amendments are not expected to have any material effect or to impose any significant costs on regulated financial institutions or the general public.

Other than the costs incurred in developing and processing these amendments, they will have no significant effect on costs incurred by the Office.

**Classification:** Intermediate cost

**Status:** This is a recurring initiative.

**Contact:** B. Knapp, Director, Policy Division, Office of the Superintendent of Financial Institutions, Ottawa, Ontario, K1A 0H2.  
Tel. (613) 990-9004; Fax (613) 952-8219.





## Annex A

### Major Initiatives

*Below is a list of the major initiatives that departments and agencies plan for 1994. A complete discussion of these initiatives is included under the appropriate heading in the Plan.*

#### Health, Safety and Environment (19 initiatives)

AECB-4	Atomic Energy Control Regulations – Revisions to the Dose Limits
AGR-41	Plant Protection Regulations
AGR-47	Seed Regulations: Seed Potatoes
EC-1	Ozone-depleting Substances – Amendments
EC-2	New Substances Notification Regulations – Amendment
EC-5	PCB Regulations – Amendments
EC-23	Statutory and Regulatory Provisions List (Law List)
EC-24	Comprehensive Study List
EC-25	Crown Corporations and Harbour Commissions
EC-26	Indian Reserve Lands/Indian Band Funding
HC-50	Good Manufacturing Practices Regulations for Foods
HC-60	Quality System Requirement For Medical Devices
INAC-10	Arctic Waters Pollution Prevention
INAC-12	Mining Land Use
INAC-22	Mackenzie Valley Resource Management
TC-32	Bilingual Flight Announcements: Air Navigation Orders, Series VII, Nos. 2, 3 and 6
TC-40	Life Saving Equipment Regulations
TC-81	Motor Vehicle Safety Regulations, Standards 1101, 1103 and 1105: Emissions
TC-84	Motor Vehicle Safety Regulations, Standard 108: Lighting Equipment

#### Cost Recovery (1 initiative)

TC-3	Air Services Charges
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#### Tax Changes (8 initiatives)

FIN-25	Income Tax Regulations Consequential on S.C. 1991, c. 49
FIN-26	Income Tax Regulations Relating to the 1992 Budget and Income Tax Technical Amendments
FIN-28	Resource Allowance
FIN-40	Income Tax Regulations Relating to Life Insurance Companies and their Products
FIN-41	Tax on Investment Income of Life Insurers
FIN-42	Income Tax Regulations Relating to the 1993 Budget
FIN-44	Scientific Research and Experimental Development (SR&ED)
RC-45	Tobacco Related Amendments: Customs and Excise Legislation

#### Miscellaneous (1 initiative)

OSFI-1	Financial Sector Reform
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#### Program payments (5 initiatives)

HRD-21	National Training Regulations – Rate of Training Allowances
HRD-22	Developmental Assistance – Rate of Benefits and Supplementary Training Allowances
HRD-23	Developmental Assistance – Mobility Assistance
HRD-35	Old Age Security Regulations – Residence Rules
NTA-14	Annual Rate Scale Order for Western Grain, 1994-95



**Other (2 initiatives)**

CI-12      Refugee Resettlement and Designated  
Class Regulations: Private Sponsorship  
Provisions

PWGS-2   Municipal Grants Regulation

*There are a number of other regulatory initiatives identified in the Plan that could have a major impact, but they may or may not surface in 1994. We have not included them in this list because it is not clear that they will be acted on. For example, Agriculture and Agri-Food has indicated that it is working on initiative AGR-21, Health of Animals Act – Prohibition Regulations, an item with major impacts. The department also noted that, for any number of reasons, the item may not come forward in 1994. For further information on any item, please call the appropriate contact.*

# Progress Report on 1993 Regulatory Plan Initiatives

Status Report as of September 15, 1993

## Status Codes for the Progress Report

SOR/93-(No.) = Final approval received, registered under this number and published in *Canada Gazette*, Part II;

DD/MM/93 = Pre-published in *Canada Gazette*, Part I, on that date.  
Proceeding to final approval;

C = Carried over to 1994 Plan;

D = Delayed;

J = At PCO-J for legal examination;

N = Not yet published;

R = Recurring initiative;

X = Withdrawn.

Initiative Status

## Agriculture and Agri-Food, Department of

### Agriculture, Department of

AGR-1	Agricultural Products Marketing Act – Various Orders	R
AGR-2	Beef and Veal Import Restriction Order	SOR/92-742R
AGR-3	Canadian Grain Regulations – Fees of the Commission	X
AGR-4	Canada Grain Regulations – Maximum Elevator Tariffs	05/05/93
AGR-5	Canadian Wheat Board Regulations – Initial Payments	R
AGR-6	Egg Regulations – Traceback	SOR/92-645
AGR-7	Farm Improvement and Marketing Cooperatives Loans Regulations – Clarification	CD
AGR-8	Farm Income Protection Act – Income Protection for Producers of Agricultural Products	R
AGR-9	Feeds Regulations – Clarification of Definition	C
AGR-10	Feeds Regulations – Manufacturing	D
AGR-11	Fertilizers Regulations – Clarification of Definition	C
AGR-12	Fertilizers Regulations – Permit Procedure Clarification	C
AGR-13	Health of Animals Regulations – Biotechnology	J
AGR-14	Health of Animals Regulations – Foreign Animal Disease	C
AGR-15	Health of Animals Act – Prohibition Regulation	R

Initiative	Status
AGR-16	Health of Animals Act – Ungulate Movement Regulations Permit Requirements D
AGR-17	Meat Inspection Regulations, 1990 – Harmonization of Meat Products Compositional Standards CD
AGR-18	Meat Inspection Regulations, 1990 – Overtime Fees X
AGR-19	Organic Food Production Regulations C
AGR-20	Pari-Mutuel Betting Supervision Regulations – Amendment to the Provision Requiring Horsemen's Agreements SOR/92-628
AGR-21	Pari-Mutuel Betting Supervision Regulations – Amendment to 150 Day Minimum Length of Stay Period on EIPH List SOR/93-143
AGR-22	Pari-Mutuel Betting Supervision Regulations – Change to Special Operating Agency SOR/93-255
AGR-23	Pari-Mutuel Betting Supervision Regulations – Drug Control R
AGR-24	Pari-Mutuel Betting Supervision Regulations – Net Pool Pricing N
AGR-25	Pest Control Products Regulations – Definition of Organism CD
AGR-26	Pest Control Products Regulations – Exemption of Specific Active Ingredients CD
AGR-27	Pest Control Products Regulations – Input Product Imports 01/05/93
AGR-28	Pest Control Products Regulations – Registration of Accepted Active Ingredients CD
AGR-29	Plant Breeders' Rights Regulations – Amendment SOR/93-87
AGR-30	Plant Protection Regulations CDJ
AGR-31	Quarantine and Inspection Service Fees Order – Update C
AGR-32	Seeds Regulations – Field Testing of Genetically Modified Plants C
AGR-33	Seeds Regulations – Registered Seed Establishments J
AGR-34	Seeds Regulations – General Revision J

## Canadian Heritage

### Environment, Department of

EC-19	Fees for Use of National Parks Recreational Facilities	SOR/93-167
EC-20	National Parks Camping Regulations, Amendments	SOR/93-166



Initiative	Status	Initiative	Status
EC-21	National Parks Fishing Regulations – 1993 Omnibus Amendments SOR/93-33	EIC-5	Immigration Exemption Regulations SOR/93-35
EC-22	National Parks Highway Traffic Regulations, Amendments SOR/92-546	EIC-6	Revocation of an Immigration Visa Exemption Regulation X
EC-23	Canadian Parks Service Documents and Services Fees Regulations – New Regulations C	EIC-7	Immigration Act Fees Regulations – New and Modified Fees SOR/93-144 R
EC-24	Town of Jasper Zoning Regulations, Amendments SOR/92-61	EIC-8	Immigration Regulations, 1978 – Authorization for Holders of Minister's Permits in Canada to apply for Student Authorizations SOR/93-412
EC-25	National Parks Businesses Regulations, Amendments C	EIC-9	Immigration Regulations, 1978 – Visitor Visa Requirements SOR/93-224 R
EC-26	National Parks Building Regulations, Amendments C	EIC-10	Immigration Regulations, 1978 – Transportation, Assistance and Admissibility Loans C
EC-27	National Parks Cottages Regulations, Amendments C	EIC-11	Immigration Regulations, 1978 – Employment Authorization Exemption C
EC-28	National Parks Fire Protection Regulations, Amendments C	EIC-12	Immigration Regulations, 1978 – Eligibility of Adopted Children as Family Members SOR/93-44
EC-29	National Parks – Fees for Utility Services SOR/93-175, SOR/93-115	EIC-13	Immigration Regulations, 1978 – Temporary Entry and the Free Trade Agreement SOR/93-412
EC-30	Regulations Relating to the Proclamation of Gros Morne National Park C	EIC-14	Immigration Regulations, 1978 – Exemption from Employment Authorization for Crew Members of Foreign Owned or Registered Vehicles C
EC-31	Regulations Relating to the Proclamation of Pacific Rim National Park Reserve C	EIC-15	Refugee Resettlement and Designated Class Regulations – Private Sponsorship Provisions C
EC-32	Admission Fees to National Historic Sites: National Historic Parks Admission Fees Regulations SOR/93-291 National Historic Sites and Heritage Places Admission Fees Regulations SOR/93-292, R	EIC-16	Immigration Regulations, 1978 – Employment Authorizations for Business Persons SOR/93-412
EC-33	Historic Canals SOR/93-220	EIC-17	Immigration Regulations, 1978 – General Agreement on Trade in Services (GATT) C
EC-34	Water Power Regulations DC	EIC-18	Immigration Regulations, 1978 – Disposition of Seized Documents SOR/93-412
EC-35	National Historic Parks Order: Amendment – Legal descriptions of Fort Langley, Louis S. St. Laurent, Sir George-Étienne Cartier and York Redoubt National Historic Parks SOR/93-34 Amendment – Setting aside of Chilkoot Trail National Historic Park SOR/93-137, R	EIC-19	Immigration Regulations, 1978 – Student Authorization Limitation C
EC-36	Fees for Visitors, Services and the Use of Facilities in the Battlefields Park J	EIC-20	Immigration Regulations, 1978 – Immigrant Investor Program – Limitation on Marketing Period for Offering Memoranda SOR/93-412
EC-37	Amendment of National Battlefields Park By-Law SOR/93-437	EIC-21	Indochinese Designated Class (Transitional) Regulations – Revocation C
<b>Communications, Department of</b>		EIC-22	Indochinese Designated Class Regulations – Revocation C
COM-14	Canadian Cultural Property Export Control List D		
<b>Citizenship and Immigration, Department of</b>			
<b>Employment and Immigration, Department of</b>			
EIC-4	Immigration Visa Exemption Regulations SOR/93-37 SOR/93-38		

Initiative	Status
EIC-23 Self-Exiled Persons Designated Class – Closing date for Applications for Permanent Residence	C
EIC-24 Immigration Regulations, 1978 – North American Free Trade Agreement (NAFTA)	N

### *Multiculturalism and Citizenship, Department of*

MCC-1	Citizenship	R
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### **Environment, Department of**

EC-1	Ocean Dumping Regulations Amendments – Phase I	SOR/93-433
EC-2	Ozone-Depleting Substances Regulations No. 1	J
	Regulations No. 2	J
	Regulations No. 3	X
	Regulations No. 4	SOR/93-214
EC-3	New Substances Notification Regulations Part I	01/05/93
	Part II	01/05/93
	Part III	C
EC-4	Confidential Information Disclosure	J
EC-5	PCB Regulations – Amendment	J
EC-6	Secondary Lead Smelter Release Regulations	C
EC-7	Pulp and Paper Mill Defoamer and Wood Chip Regulations	X
EC-8	Authorization of Experimental Spills	D
EC-9	Non-Hazardous Solid Waste Incinerators at Federal Facilities	D
EC-10	Migratory Birds – Annual Game Bird Hunting	SOR/92-532
EC-11	Migratory Birds – General	C
EC-12	Migratory Bird Sanctuary – Establishment of Seasonal Restrictions, Ile à la Brume Sanctuary	X
EC-13	Migratory Bird Sanctuary – Amendment to Boundary Description, Carillon Island Bird Sanctuary	C
EC-14	Migratory Bird Sanctuary Regulations – Revocation of Sanctuary Status, Selected Islands	C
EC-15	Migratory Bird Sanctuary – General	C
EC-16	Wildlife Area Regulations – Addition of Ile Mousseau to Iles de Contrecoeur National Wildlife Area	C
EC-17	Wildlife Area Regulations – Establishment of Last Mountain Lake National Wildlife Area	C
EC-18	Wildlife Area Regulations – General	C
EC-19	Fees for Use of National Parks Recreational Facilities	SOR/93-167
EC-20	National Parks Camping Regulations, Amendments	SOR/93-166

Initiative	Status
EC-21	National Parks Fishing Regulations – 1993 Omnibus Amendments SOR/93-33
EC-22	National Parks Highway Traffic Regulations, Amendments SOR/92-546
EC-23	Canadian Parks Service Documents and Services Fees Regulations – New Regulations C
EC-24	Town of Jasper Zoning Regulations, Amendments SOR/92-61
EC-25	National Parks Businesses Regulations, Amendments C
EC-26	National Parks Building Regulations, Amendments C
EC-27	National Parks Cottages Regulations, Amendments C
EC-28	National Parks Fire Protection Regulations, Amendments C
EC-29	National Parks – Fees for Utility Services SOR/93-175, SOR/93-115
EC-30	Regulations Relating to the Proclamation of Gros Morne National Park C
EC-31	Regulations Relating to the Proclamation of Pacific Rim National Park Reserve C
EC-32	Admission Fees to National Historic Sites: National Historic Parks Admission Fees Regulations SOR/93-291 National Historic Sites and Heritage Places Admission Fees Regulations SOR/93-292, R
EC-33	Historic Canals SOR/93-220
EC-34	Water Power Regulations DC
EC-35	National Historic Parks Order: Amendment – Legal descriptions of Fort Langley, Louis S. St. Laurent, Sir George-Étienne Cartier and York Redoubt National Historic Parks SOR/93-34 Amendment – Setting aside of Chilkooot Trail National Historic Park SOR/93-137, R
EC-36	Fees for Visitors, Services and the Use of Facilities in the Battlefields Park J
EC-37	Amendment of National Battlefields Park By-Law SOR/93-437
EC-38	Exclusion List N
EC-39	Inclusion List N
EC-40	Comprehensive Environmental Assessment Study List and Report N
EC-41	Statutory and Regulatory Provision List N
EC-42	Crown Corporations and Harbour Commissions C
EC-43	Indian Reserves Lands C
EC-44	Domestic Financial Assistance D
EC-45	National Security D
EC-46	Projects outside Canada C
EC-47	Offshore Boards C
EC-48	International Agreements C



Initiative			Status	Initiative			Status
EC-49	International Development Assistance		C	FIN-31	General Preferential Tariff Orders		CR
EC-50	Minimum Federal Involvement		C	FIN-32	The General Agreement on Tariffs and Trade and Other Trade Agreements		CR
EC-51	Environmental Choice Program Fees		C	FIN-33	Preferential Tariff Treatment for Caribbean Commonwealth Countries (CARIBCAN)		CR
EC-52	Fees and Charges for Special Services		R	FIN-34	Vessel Duty Removal/Reduction		CR
<b>Finance, Department of</b>				FIN-35	Most-Favoured-Nation Tariff Treatment		CR
FIN-1	Federal-Provincial Fiscal Arrangements Regulations, 1992		R	FIN-36	Handicraft Goods Order		CR
FIN-2	Federal-Provincial Fiscal Arrangements Regulations, 1987		R	FIN-37	Preferential Tariff Treatment for Certain Commonwealth Countries		CR
FIN-3	Tax Collection Agreements and Federal Post-Secondary Education and Health Contributions Regulations, 1987		R	FIN-38	General Amending Orders		CR
FIN-4	Income Tax Regulations Consequential on S.C. 1991, c.49		J	FIN-39	Remission of Duties		CR
FIN-5	Income Tax Regulations Relating to the 1992 Budget and Income Tax Technical Amendments		C	FIN-40	"Snapback" Tariffs on Fresh Fruits and Vegetables		CR
FIN-6	Tax Exemption for European Bank for Reconstruction and Development		C	FIN-41	Technical Amendments to the Customs Tariff		CR
FIN-7	Resource Allowance		C	FIN-42	Remission of Anti-Dumping Duties		CR
FIN-8	Registered Retirement Income Funds		J	FIN-43	Nova Scotia Offshore Revenue Account Regulations	SOR/93-1689	
FIN-9	Income Tax Regulations Relating to Registered Pension Plans		C	FIN-44	Newfoundland Offshore Petroleum Resource Revenue Account Regulations		C
FIN-10	Income Tax Regulations Relating to Unregistered Pension Plans		C	<b>Fisheries and Oceans, Department of</b>			
FIN-11	Tax Treatment of Interest		D	DFO-1	Various Regulations: Revision of Prescribed Fines for Ticketable Offences		C
FIN-12	Income Tax Regulations Relating to Indexed Debt Obligations		C	DFO-2	Alberta Fishery Regulations: Fish Management Initiatives	SOR/93-393	
FIN-13	Employee Stock Options – Prescribed Shares		J	DFO-3	Alberta Fishery Regulations: Incidental Amendments to Complement New Provincial Act		C
FIN-14	Income Tax Prescribed Share Provisions		J	DFO-4	Atlantic Fishery Regulations, 1985: Access to Silver Hake and Squid Outside the Silver Hake Box		X
FIN-15	Income Tax Regulations Relating to Branch Tax		J	DFO-5	Atlantic Fishery Regulations, 1985: Lumpfish Fishery		J
FIN-16	Contributions to Sinking Fund		J	DFO-6	Atlantic Fishery Regulations, 1985: Gill Net Fishing Areas		X
FIN-17	Part XIV of the Income Tax Regulations		J	DFO-7	Atlantic Fishery Regulations, 1985: Fixed Gear Locating Devices		X
FIN-18	Income Tax Regulations Relating to Farmers' and Fishermen's Insurers		J	DFO-8	Atlantic Fishery Regulations, 1985: Licensing of Shark Fishing Vessels		J
FIN-19	Additions to Subsection 5907(11) of the Income Tax Regulations		C	DFO-9	Atlantic Fishery Regulations, 1985: Identification Markings on Shellfish Traps		X
FIN-20	Income Tax Regulations Relating to Life Insurance Companies and their Products		C	DFO-10	Atlantic Fishery Regulations, 1985: Prohibition on the Retention of Soft-Shell Crab		X
FIN-21	Tax on Investment Income of Life Insurers		C	DFO-11	Atlantic Fishery Regulations, 1985: Permanent Tagging of Crab Traps		X
FIN-22	Budget Regulations		R	DFO-12	Atlantic Fishery Regulations, 1985: Realignment of Crab Fishing Area	24	X
FIN-23	Other Income Tax Regulations		R				
FIN-24	GST Related Regulations		RC				
FIN-25	Money Laundering	SOR/93-75					
FIN-26	Portfolio Management and Investment Counselling		C				
FIN-27	Temporary Reduction, Removal or Drawback of Customs Duties		CR				
FIN-28	Sports Equipment		CR				
FIN-29	Goods for Disabled Persons		CR				
FIN-30	Tariff Treatment – Rules of Origin		CR				

Initiative	Status	Initiative	Status
DFO-13 Atlantic Fishery Regulations, 1985: Biodegradable Mechanisms on Snow Crab Traps	C	DFO-33 Marine Mammal Regulations: Conservation Measures for Beluga Whales of Northern Quebec	X
DFO-14 Atlantic Fishery Regulations, 1985: Lobster Fishing Areas 16 and 18 Boundary	X	DFO-34 Maritime Provinces Fishery Regulations: Aquaculture in Prince Edward Island	X
DFO-15 Atlantic Fishery Regulations, 1985: Description of the Limits of Grande-Entrée Lagoon	X	DFO-35 Northwest Territories Fishery Regulations: Rewrite of the Regulations	D
DFO-16 Atlantic Fishery Regulations, 1985: Scallop Harvesting/Conservation Areas in the Bay of Fundy	J	DFO-36 Ontario Fishery Regulations, 1989: General Amendment	X
DFO-17 Atlantic Fishery Regulations, 1985: Prohibit Carrying Scallop Fishing Gear in Closed Areas	J	DFO-37 Pacific Fishery Regulations, 1992: Pacific Commercial Licensing Policy Changes	D
DFO-18 Atlantic Fishery Regulations, 1985: Recreational Scallop Fishing Catch Limits	X	DFO-38 Pacific Fishery Regulations, 1992: Fishing Gear Provisions and Use of Power Skiffs	C
DFO-19 Atlantic Fishery Regulations, 1985: Conservation Measures for Clams	SOR/93-61	DFO-39 Pacific Fishery Regulations, 1992: Bottom Trawl Cod-End Mesh Size – Hecate Strait	C
DFO-20 Atlantic Fishery Regulations: Possession Limit on Bar Clams and Quahaugs	X	DFO-40 Pacific Fishery Regulations, 1992: Commercial and Non-Commercial Catch on Board Commercial Fishing Vessel	D
DFO-21 Atlantic Fishery Regulations, 1985: Otter Trawl Vessels Greater than 19.8 Metres Fishing for Shrimp within 12 Nautical Miles	X	DFO-41 Quebec Fishery Regulations, 1990: Fishing in the Province of Quebec	J
DFO-22 Atlantic Fishery Regulations, 1985: Use of Selective Mesh when Shrimp Fishing	X	DFO-42 Saskatchewan Fishery Regulations: Sportfishing Amendments	SOR/93-204
DFO-23 British Columbia Sport Fishing Regulations: Sport Fishing in Tidal Waters	J	DFO-43 Yukon Territory Fishery Regulations: Fishing in the Yukon Territory	J
DFO-24 British Columbia Sport Fishing Regulations: Sport Fishing Licence for Shellfish and Daily Bag Limits	C	<b>Foreign Affairs and International Trade, Department of</b>	
DFO-25 Fish Health Protection Regulations: Enhancement of Live Fish Provisions and Inclusion of Finfish Species, Molluscs and Crustaceans	X	<i>External Affairs, Department of</i>	
DFO-26 Fish Inspection Regulations: Rewrite of the Regulations	C	EAITC-1 General Import Permits – Textiles and Clothing	R
DFO-27 Fishing and Recreational Harbours Regulations: Charges for Use of a Harbour	X	EAITC-2 Export Control List	R
DFO-28 Fishing and Recreational Harbours Regulations: Prohibition on Swimming in Scheduled Harbours	X	EAITC-3 General Export Permits	R
DFO-29 Fishing and Recreational Harbours Regulations: Parking, Goods Storage and Vessel Storage	X	EAITC-4 Export Permit Regulations	R
DFO-30 Fishing and Recreational Harbours Regulations: Prohibition on Discharge of Garbage, Offal, etc.	X	EAITC-5 In-Transit Regulations	X
DFO-31 Manitoba Fishery Regulations, 1987: Fisheries Management Initiatives	J	EAITC-6 Regulations to Implement an Act to Implement the North American Free Trade Agreement	N
DFO-32 Marine Mammal Regulations: Protection of the St. Lawrence Beluga Population	SOR/93-56	EAITC-7 Privileges and Immunities Order	R
		<b>Health, Department of</b>	
		<i>National Health and Welfare, Department of</i>	
		HWC-1 Nonmedicinal Ingredient Labelling	CDN 02/12/89
		HWC-2 Expiration Date for Drug Products	SOR/92-654
		HWC-3 Format of New Drug Submissions	SOR/92-543
		HWC-4 Notifiable Changes for New Drugs	CDNJ
		HWC-5 Preclinical New Drug Submissions	CDNJ



Initiative	Status	Initiative	Status
HWC-6	Food and Drugs Act and Regulations – Schedules D, G and F Additions/Deletions/Corrections R	HWC-37	Amendments to Schedule I, Contraceptive Devices CND
HWC-7	Importation of Human Pathogens CJ 07/11/92	HWC-38	Amendment to Part V of the Medical Devices Regulations 30/01/93
HWC-8	Canadian Agent for Imported Drugs CDJ SOR/17/03/90	HWC-39	Bottled Water CDN
HWC-9	Housekeeping Changes to Drug Regulations R	HWC-40	Dioxins and Furans CDN
HWC-10	Clarification of Names SOR/93-202	HWC-41	Food Allergens: Proposed Changes to Labelling Regulations to Minimize Adverse Reactions 26/09/92
HWC-11	Drug Colouring Agents Additions/Deletions/Corrections R	HWC-42	Very Low Calorie Diets 01/12/91
HWC-12	Restricted and Narcotic Drugs R	HWC-43	Foods for Use in Weight Reduction Diets CDN
HWC-13	Child-Resistant Packaging for Fluoride Products SOR/05/09/92	HWC-44	Notification of Filing of Food Additive Submissions and Food Irradiation Submissions in the Canada Gazette, Part I X
HWC-14	Emergency Drug Release Program CJ	HWC-45	Enrichment of Alimentary Pastes 04/04/92
HWC-15	Acetylsalicylic Acid (ASA) and Reye Syndrome SOR/93-411	HWC-46	Emergency Regulations R
HWC-16	Parenteral Requirements CJ	HWC-47	Distilled Alcoholic Beverages SOR/93-145
HWC-17	Regulation of Drug Residues in Food R	HWC-48	Housekeeping Amendments to Food Regulations SOR/93-243
HWC-18	Drug Submission Rejection at Screening Review CN	HWC-49	Routine Enabling Amendments under the Food and Drug Regulations: General SOR/93-26 R
HWC-19	Labelling of Veterinary Products SOR/93-407		Agricultural Chemicals SOR/93-222, SOR/93-221, SOR/93-268, SOR/93-269, SOR/93-270, SOR/93-271, SOR/93-445, 15/05/93, 12/06/93,
HWC-20	Psychoactive Substances Control Regulations CN		Food Additives SOR/93-276, 26/06/93, 15/05/93, 04/09/93,
HWC-21	Federal Declaration of Drug Product Bioequivalency CJ	HWC-50	Fat Content of Ground Meat CDN
HWC-22	Post Marketing Surveillance Requirements for Pharmaceutical Products CJ	HWC-51	Phosphates in Meat and Poultry Products 05/09/92
HWC-23	Child-Resistant Packaging for Certain Cosmetic Products CN	HWC-52	Herbs and Botanical Preparations 19/12/92
HWC-24	Advertising of Certain Analgesics CN	HWC-53	Microbiological Standards for Cheese CDN
HWC-25	Sale of a Device for Investigational Testing 26/05/90	HWC-54	Composition and Standards of Cocoa Products CDN
HWC-26	Standard for the Labelling of In Vitro Diagnostic Test Devices CND	HWC-55	Foods for Special Dietary Uses X
HWC-27	Single Use Insulin Syringes CND	HWC-56	Labelling of Cholesterol and Fatty Acids 04/09/93
HWC-28	Removal of Specific Implantable Dental Materials from the Table to Part V 13/10/90	HWC-57	Good Manufacturing Practices Regulations for Foods CDN
HWC-29	Labelling Requirements for Contact Lenses CND	HWC-62	Sanitation Regulations for Common Carriers RDN
HWC-30	Labelling Requirements for Menstrual Tampons CND		<i>Consumer and Corporate Affairs, Department of</i>
HWC-31	Removal of the 60-Day Review Period for New Device Submissions X	CCAC-30	Routine Food Labelling and/or Advertising – Amendments R
HWC-32	Housekeeping Amendments to the Medical Devices Regulations R	CCAC-31	Simplified Common Name for Methylcellulose and Hydroxypropylmethyl Cellulose CDN
HWC-33	Standard for Laser Equipment CND	CCAC-32	Label Declarations of Decaffeinating Agents – Used in Decaffeinated Tea and Coffee CDN
HWC-34	Diagnostic X-Ray Equipment CND	CCAC-34	Cribs and Cradles – Child Safety NC
HWC-35	Housekeeping Amendments to the Radiation Emitting Devices Regulations R		
HWC-36	Labelling of Pressurized Containers CND		

Initiative	Status
CCAC-35 Carriages and Strollers – Child Safety	DNC
CCAC-36 Pacifiers – Child Safety	X
CCAC-37 Toys and Other Equipment for Children – Sound Levels	X
CCAC-38 Liquid Coating Materials	C
CCAC-39 Glazed Ceramics – Revision of Regulations	C
CCAC-40 WHMIS-Controlled Products	CR
CCAC-41 Child-Resistant Lighters – Child Safety	NC
CCAC-42 Flammable Adhesives	X

## Human Resources Development, Department of

### *Labour, Department of*

LAB-1	Status of the Artist Professional Category Regulations	C
LAB-2	Labour Adjustment Benefits Allocation of Remuneration Regulations – Revisions	C
LAB-3	User Fees – Bureau of Labour Information Products and Services	C
LAB-4	Canada Labour Standards Regulations – Revisions	JC
LAB-5	Federal Minimum Wage – Revision	C
LAB-6	Canada Occupational Safety and Health (OSH) Regulations – Amendments to Part II (Building Safety)	C
LAB-7	Canada Occupational Safety and Health (OSH) Regulations – Amendments to Part X (Hazardous Substances)	JC
LAB-8	Occupational Safety and Health (OSH) Regulations – Amendments to Part XIV (Materials Handling)	JC
LAB-9	Canada Occupational Safety and Health (OSH) Regulations – Disabilities Project	JC
LAB-10	Canada Occupational Safety and Health Regulations – Revisions	20/02/93 C
LAB-11	Aviation Occupational Safety and Health (OSH) Regulations – Revisions	27/03/93
LAB-12	On-Board Trains Occupational Safety and Health (OSH) Regulations – Revisions	JC
LAB-13	Marine Occupational Safety and Health (OSH) Regulations – Revisions	JC
LAB-14	Oil and Gas Occupational Safety and Health (OSH) Regulations – Revisions	15/05/93
LAB-15	Occupational Safety and Health (OSH) Regulations for Uranium and Thorium Mines – Revisions	D
LAB-16	Government Employees Compensation Regulations	D

Initiative	Status	
<i>Employment and Immigration, Department of</i>		
EIC-1	National Training Regulations – Rate of Training Allowances	R
EIC-2	Developmental Assistance – Rate of Benefits and Supplementary Training Allowances	R
EIC-3	Developmental Assistance – Mobility Assistance	C
EIC-25	Unemployment Insurance Regulations – Minor, Technical or Housekeeping Amendments	R
EIC-26	Unemployment Insurance Regulations – Reduction of Premiums for Employers with Wage Loss Plans	C
EIC-27	Unemployment Insurance Regulations – Proof of Pregnancy	C
EIC-28	Unemployment Insurance Regulations – Time Limit for Receipt of Claims for Benefits	X
EIC-29	Unemployment Insurance Regulations – Redefinition of a Working Day	C
EIC-30	Unemployment Insurance Regulations – Revision of Earnings Definition and Allocation Provisions	C

### *National Health and Welfare, Department of*

HWC-58	Canada Pension Plan Regulations – Removal of Schedule of International Agreements	C
HWC-59	Old Age Security Regulations – Removal of Schedule of International Agreements	C
HWC-60	Old Age Security Regulations – Residence Rules	C
HWC-61	Old Age Security Regulations – Delegation of Powers	C

### *Secretary of State of Canada, Department of the*

SEC-1	Canada Student Loans Program: Financing Measures Flowing from Negotiations with Financial Institutions	SOR/93-392
SEC-2	Changes in Canada Student Loans Program	C
SEC-3	Canada Student Loans: Interest on Loans to Part-Time Students	X

## Indian Affairs and Northern Development, Department of

INAC-1	Cree-Naskapi Band Expropriations	CD
INAC-2	Cree-Naskapi Special Band Meetings	CD
INAC-3	Cree-Naskapi Band Referenda	CD
INAC-4	Indian Oil and Gas	N
INAC-5	Indian Timber Regulations	X
INAC-6	Indian Estates	CD



Initiative	Status	Initiative	Status
INAC-7	Federal Government Employee Land Acquisitions R	CCAC-13	Canada Business Corporations – Fees – Certificate of Compliance C
INAC-8	Territorial Lands CD	CCAC-14	Delegation of Authority to Prescribe User Fees C
INAC-9	Reindeer – Northwest Territories CD	CCAC-15	Trade-marks – Revision C
INAC-10	Placer Mining Authority CD	CCAC-16	Copyright – Notices X
INAC-11	Yukon Work Relief Orders SOR/93-128, R	CCAC-17	Patents – Reissue SOR/93-136
INAC-12	Yukon Mining – Staking Prohibitions R	CCAC-18	Patents – Nucleotide/Amino Acid Sequence Disclosures C
INAC-13	Yukon Business Loans SOR/93-152	CCAC-19	Patents – Correspondence 26/06/93
INAC-14	Archaeological Sites – Yukon & Northwest Territories CD	CCAC-20	Trade-marks – Correspondence 26/06/93
INAC-15	Canada Mining Regulations CD	CCAC-21	Patents – Patent Cooperation Treaty (PCT) Regulations N
INAC-16	Canada Oil and Gas Installations CJ	CCAC-22	Patents – Patent Cooperation Treaty Regulations – Prior Art Effect of PCT Applications C
INAC-17	Canada Certificate of Fitness CJ	CCAC-23	Integrated Circuit Topography Protection SOR/93-212
INAC-18	Canada Oil and Gas Geophysical CJ	CCAC-24	Public Servants Inventions Regulations SOR/93-296
INAC-19	Frontier Lands Petroleum Land Division and Survey C	CCAC-25	Code of Ethics for Trustees in Bankruptcy J
INAC-20	Canada Oil and Gas Production and Conservation CJ	CCAC-26	Bankruptcy and Insolvency – Revision of Rules and Forms C
INAC-21	Canada Oil and Gas Drilling CJ	CCAC-27	Textile Labelling and Advertising Regulations – Dealer Identity Numbers D
INAC-22	Canada Oil and Gas Diving CJ	CCAC-28	Textile Labelling and Advertising Regulations – Miscellaneous 27/03/93
INAC-23	Yukon Waters Regulations SOR/93-303	CCAC-29	Consumer Packaging and Labelling – Miscellaneous J
INAC-24	Northwest Territories Waters Regulations SOR/93-303	CCAC-33	Legislation on Patents – Pharmaceuticals – Correlative Amendments to the Regulations X

## Industry, Department of

### Consumer and Corporate Affairs, Department of

CCAC-1	Weights and Measures – Additions and Minor Revisions to Regulatory Requirements for Commodities and Services J
CCAC-2	Weights and Measures – Replacement of Reference Standards 08/05/93
CCAC-3	Weights and Measures – Limits of Error for Exempted Devices C
CCAC-4	Weights and Measures – Fees and Charges SOR/93-413
CCAC-5	Electricity and Gas Inspection Regulations – Minor Revisions to Inspection Fees and Charges J
CCAC-6	Electricity and Gas Inspection Regulations – Ongoing Technical Revisions C
CCAC-7	Lobbyists Registration Act Regulations Fee Changes X
CCAC-8	Canada Business Corporations – Name Search 08/05/93
CCAC-9	Canada Business Corporations – Corporate Names 08/05/93
CCAC-10	Canada Business Corporations – Schedule I – Forms SOR/92-728
CCAC-11	Canada Cooperative Associations – Cooperatives Tariff of Fees SOR/93-234
CCAC-12	Canada Business Corporations – Schedule II – Fees SOR/93-234

### Communications, Department of

COM-1	Telecommunication Apparatus Assessment and Testing Fees SOR/93-365
COM-2	Minister of Communications Authority to Prescribe Fees Order SOR/93-32
COM-3	Restructuring of the Amateur Radio Service SOR/92-651
COM-4	Interference Causing Equipment (ICE) Regulations SOR/93-113
COM-5	Radio Apparatus (RA) Regulations X
COM-6	Reform of the Radio Regulations CN
COM-7	Broadcast and Radio Technical Data Services Fees Order CJ
COM-8	Video Recording Devices Regulations SOR/93-223
COM-9	Point-to-Multipoint Licensing DC
COM-10	Licensing of the Low Power Cordless Telephone Service SOR/93-266
COM-11	Low Power Cordless Telephone Service Exemption SOR/93-267

Initiative	Status
COM-12 Definition of the Restricted Public Commercial Service	DC
COM-13 Exemption for Receive-Only Earth Stations	X
COM-15 Cellular Fees	D
COM-16 Fleet Licensing	D
COM-17 General Radio Licence Fee Increase	SOR/93-52

## Justice, Department of

JUS-1 Access to Information and Privacy Acts: Extending Coverage	C
JUS-2 Extending the Privacy Act to Crown Corporations	C
JUS-3 Access to Information and Privacy Regulations: Amendments to Schedules	R
JUS-4 Statutory Instruments Regulations	R
JUS-5 Threshold Amounts for Informal Procedure (Tax Court of Canada Act)	F
JUS-6 Contraventions Act – Ticketing Scheme	C
JUS-7 Regulation Establishing "Safety Zone" Around Marine Installations	C
JUS-8 Approved Breath Analysis Instruments Order, Approved Screening Devices Order, Approved Blood Sample Container Order	R
JUS-9 Information Banks	C
JUS-10 Forms for Interception	C
JUS-11 Conditions for Holdbacks	C
JUS-12 Notice of Service of Garnishment	C
JUS-13 Forms for Tracing	C
JUS-14 The Family Orders and Agreements Enforcement Assistance Act Fee	F

## National Defence, Department of

ND-1 Comox Airport Zoning Regulations	DC
ND-2 Moose Jaw Airport Zoning Regulations	DC
ND-3 Orders in Council Pursuant to Paragraphs 9(c) and (d) of the Emergency Preparedness Act	R

## Natural Resources, Department of

### Energy, Mines and Resources, Department of

EMR-1 Modernization of Explosives Regulations	C
EMR-2 Safety Training for the Use of High Level Display Fireworks – Fees for Attendance	C
EMR-3 Lands Surveys Tariff	X
EMR-4 Energy Efficiency Standards	J
EMR-5 Energuide	J
EMR-6 Energy Monitoring – 1992 Petroleum Survey	D

Initiative	Status
EMR-7 Energy Monitoring – first Half 1993 Petroleum Survey	D
EMR-8 Canada Oil and Gas Installations	J
EMR-9 Newfoundland Offshore Area Petroleum Installations	J
EMR-10 Nova Scotia Offshore Area Petroleum Installations	J
EMR-11 Petroleum Occupational Safety and Health – Newfoundland	J
EMR-12 Petroleum Occupational Safety and Health – Nova Scotia	J
EMR-13 Canada Oil and Gas Geophysical	J
EMR-14 Newfoundland Offshore Area Petroleum Geophysical	J
EMR-15 Nova Scotia Offshore Area Petroleum Geophysical	J
EMR-16 Canada Certificate of Fitness	J
EMR-17 Newfoundland Certificate of Fitness	J
EMR-18 Nova Scotia Certificate of Fitness	J
EMR-19 Canada Oil and Gas Production and Conservation	J
EMR-20 Canada Oil and Gas Drilling	J
EMR-21 Newfoundland Offshore Area Petroleum Drilling	J
EMR-22 Nova Scotia Offshore Area Petroleum Drilling	J
EMR-23 Canada Oil and Gas Diving	J
EMR-24 Newfoundland Offshore Area Petroleum Diving	J
EMR-25 Nova Scotia Offshore Area Petroleum Diving	J
EMR-26 Nova Scotia Offshore Area Petroleum Diving – Amendments Due to the Promulgation of the Nova Scotia Certificate of Fitness Regulations	C
EMR-27 Newfoundland Offshore Area Petroleum Production and Conservation	J
EMR-28 Nova Scotia Offshore Area Petroleum Production and Conservation	J
EMR-29 Frontier Lands Petroleum Land Division and Survey	C
EMR-30 Newfoundland Offshore Area Petroleum Land Division and Survey	C
EMR-31 Nova Scotia Offshore Area Petroleum Land Division and Survey	C
EMR-32 Nova Scotia Offshore Area Petroleum Spills and Debris Liability	C
EMR-33 Nova Scotia Resources (Ventures) Limited Drilling Assistance	J
EMR-34 Frontier Lands Registration – Amendments	C
EMR-35 Newfoundland Offshore Area Registration	C
EMR-36 Nova Scotia Offshore Petroleum Registration	C



Initiative	Status
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## National Revenue, Department of

### Customs and Excise

RC-CE-1	Accounting for Imported Goods and Payment of Duties Regulations	C
RC-CE-2	Accounting for Imported Goods and Payment of Duties Regulations – Electronic Data Interchange	C
RC-CE-3	Automotive Machinery and Equipment Remission Orders	SI/93-24
RC-CE-4	Customs Brokers Licensing Regulations	X
RC-CE-5	Customs Sufferance Warehouse Regulations	C
RC-CE-6	Customs Sufferance Warehouse Regulations – Refusal of Goods	C
RC-CE-7	Drawback Claims Remission Order	R
RC-CE-8	Duties Relief Regulations	C
RC-CE-9	Exporters' Records Regulations	C
RC-CE-10	Importation of Motor Vehicle Parts (Codes 2480 and 2485) Regulations	C
RC-CE-11	Importers' Records Regulations	C
RC-CE-12	Officers Authorized to Exercise the Powers or Perform the Duties of the Minister of National Revenue Regulations	R
RC-CE-13	Remission of Duties	R
RC-CE-14	Remission Orders Concerning Charitable Goods and Official Uniform Dress of Militia	C
RC-CE-15	Reporting of Exported Goods Regulations	D
RC-CE-16	Reporting of Imported Goods Regulations	C
RC-CE-17	Temporary Importation of Vessels Remission Orders	R
RC-CE-18	Temporary Importation Remission Orders	R
RC-CE-19	Transportation of Goods Regulations	C
RC-CE-20	Used Motor Vehicle Exemption Regulations	R
RC-CE-21	Brewery Departmental Regulations	C
RC-CE-22	Distillery Departmental Regulations	C
RC-CE-23	Distillery Regulations	J
RC-CE-24	Excise Awards Regulations	X
RC-CE-25	Manufacturers in Bond Departmental Regulations	C
RC-CE-26	Publications Supplied by a Non-resident Registrant Regulations	X
RC-CE-27	Regulations Concerning Labelling of Denatured Alcohol	J
RC-CE-28	Regulations Concerning Specially Denatured Alcohol	C
RC-CE-29	Remission of Taxes and Duties Paid or Payable under Excise Legislation	R
RC-CE-30	Specially Denatured Alcohol (Import) Regulations	SOR/93-369

Initiative	Status
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RC-CE-31	Tobacco Departmental Regulations	C
RC-CE-32	Amendments to Regulations and Orders Pursuant to Customs and Excise Legislation	R
RC-CE-33	Miscellaneous Amendments (Standing Joint Committee for the Scrutiny of Regulations)	R

### Taxation

RCT-1	Income Tax Regulations – Part I and Schedule I	SOR/93-399
	Part II	J
	Part VI	R
	Part IX	SOR/93-280
	Part XXV	R
	Part XXX	SOR/93-148
	Schedule VIII	SOR/93-229
RCT-2	Canada Pension Plan Regulations – Regulations and Schedules	SOR/93-398
	Members of Religious Orders	C
	Schedules IV, V, VI, VII and VIII	SOR/93-398
RCT-3	Canada Pension Plan – Delegation of Powers	X
RCT-4	Unemployment Insurance – Collection of Premiums	SOR/129
RCT-5	Unemployment Insurance – Delegation of Powers	X
RCT-6	Petroleum and Gas Revenue Tax Regulations	X
RCT-7	Advance Rulings Fee Orders	R
RCT-8	Taxation Statistical Analyses and Data Processing Services Fees Order	R
RCT-9	Taxation Statistics Diskette Fee Order	X
RCT-10	Registered Charities Information Return Fee Order	R

## Public Works and Government Services, Department of

PWC-1	Municipal Grants Regulations Amendments	N
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## Solicitor General, Department of the

SGC-1	Transfer of Offenders Act Schedule	R
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### National Parole Board

NPB-1	Conditional Release and Detention Regulations	C
NPB-2	Pardon Application Fees Regulations	J

### Royal Canadian Mounted Police

RCMP-1	RCMP Superannuation Regulations – 8(1)	SOR/93-280-01
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<b>Office of the Superintendent of Financial Institutions</b>	
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*value of imported goods (GST)*

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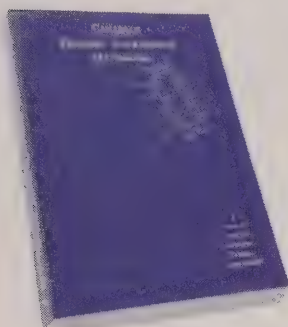
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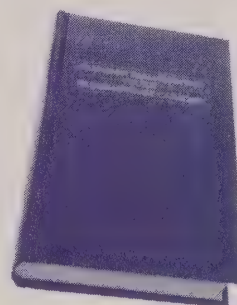
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